

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows: The Senate will convene at the hour of 9 a.m. After the two leaders or their designees have been recognized under the standing order, the Senate will go into executive session to consider the nomination of Dr. Henry Kissinger to be Secretary of State. There is a time limitation on that nomination of 2½ hours. The yeas and nays have been ordered on the confirmation of the nomination.

Upon the disposition of the nomination, the Senate will return to legislative session and will resume consideration of the unfinished business, the military procurement bill.

The pending question before the Senate at that time will be on the adoption of amendment No. 490 offered by Mr. HUGHES. There is a time limitation on the amendment.

Upon disposition of amendment No. 490 by Mr. HUGHES, the Senate will proceed to the consideration of an amendment by Mr. HUGHES, amendment No. 491, on which there is a time limitation.

On disposition of amendment No. 491

by Mr. HUGHES, the Senate will take up the Haskell amendment, dealing with nerve gas.

Upon disposition of the Haskell amendment, the Senate will proceed to the consideration of the Mondale amendment.

There is a time limitation on each of these amendments. Yea-and-nay votes will occur on tomorrow.

Senators who have amendments are urged to be prepared to call them up upon the disposition of the aforementioned amendments.

It is hoped that the Senate will transact a great deal of business on tomorrow and make good progress on the military procurement bill. The leadership would hope that Senators who are prepared to call up their amendments, but who have not had their amendments acted on tomorrow, will call up their amendments on Saturday.

### ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and at 6:36 p.m. the Senate adjourned until tomorrow, Friday, September 21, 1973, at 9 a.m.

### NOMINATIONS

Executive nominations received by the Senate September 20, 1973:

#### OZARKS REGIONAL COMMISSION

William Hinton Fribley, of Kansas, to be Federal Cochairman of the Ozarks Regional Commission, vice E. L. Stewart, Jr., resigned.

#### IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

#### To be general

Lt. Gen. Timothy F. O'Keefe xxx-xx-xxxx  
FR (major general, Regular Air Force) U.S. Air Force.

### CONFIRMATION

Executive nomination confirmed by the Senate September 20, 1973:

#### ENVIRONMENTAL PROTECTION AGENCY

John R. Quarles, Jr., of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## EXTENSIONS OF REMARKS

### MARJORIE MERRIWEATHER POST— A TRULY GRAND AND GENTLE LADY—IS REMEMBERED IN BEAU- TIFUL MEMORIAL SERVICE

#### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 20, 1973

Mr. RANDOLPH. Mr. President, a service of memorial was conducted for Marjorie Merriweather Post, in Washington, on the morning of Monday, September 17, at the National Presbyterian Church. Officiating were the Rev. Edward L. R. Elson, the Chaplain of the United States Senate, and the Rev. Louis H. Evans, Jr., the pastor of the Church, with Ernest E. Ligon, organist.

Several hundred persons were present, most of them long-time associates and cherished friends. We gathered in silent and sincere memory for Mrs. Post—a truly grand and gentle lady—a remarkable woman of charm and courage whose life began when she was born in Illinois and ended, on this earth, when she died at Hillwood, her home in the city of Washington.

The words from the Bible and the expressions of Dr. Elson follow:

God is a spirit and they that worship Him must worship Him in Spirit and in truth. The souls of the righteous are in the hands of God, and there shall no evil touch them. They are at peace. Blessed are the pure in heart for they shall see God.

#### INVOCATION

Eternal God, in whom we live and move and have our being, who lovest us with an everlasting love, lift up our hearts this day

in thanksgiving and joy, that this memorial may be acceptable in Thy sight. May the reading and the hearing of Thy word minister comfort, strength and hope to our inmost being.

We thank Thee for Thy servant, Marjorie, for the goodness and the greatness of her person; for her regal presence and the aristocracy of her spirit; for the brilliance of her mind; for the daring of her dreams; for the authority of her words; for the power of her leadership; for the affection and tenderness of her womanhood.

We thank Thee for the inclusiveness of her friendship and the generosity of her heart.

We thank Thee, O God, for her love of beauty; beauty of sight; beauty of sound; beauty of the world of nature; and the deeper beauty of the human soul.

We thank Thee, O God, for her finished work, for the completeness of her life.

And for her enduring legacies of spirit, mind and heart which have made the world better for her presence.

May a new spirit arise in us that we may go from this place to be true as she was true, generous as she was generous, gracious as she was gracious, strong as she was strong, dedicated as she was dedicated to God and country, to the love of people, and to the advancement of Thy kingdom on earth, through Jesus Christ our Lord. Amen.

The eulogy was delivered by Clifford "Cliff" P. Robertson III, a son-in-law of Mrs. Post, as follows:

This lady who allayed those needs with benevolent compassion. This patriot—whose life was resilient to the fortunes of her country. She responded to its needs—without being called.

This patron—aware of the artistic nourishment needed by all people; through the arts helped to elevate, educate and enlighten their lives.

This American—born and reared in middle America, she proudly retained an inheritance of direct and unequivocal honesty,

clarity of thought and word and a fearless spirit.

This achiever—proud of her modest early childhood she avoided the socially frivolous, and drew from her recollection—an appreciation of honest work. Under the guidance of her beloved father, she developed a finely reasoned awareness of a growing responsibility; a responsibility she would confront and channel toward the betterment of man.

This lady—examined life—throughout her life, and consistently put the material in a subordinate position: Recognizing man to be more important than anything he has acquired. A realist, she was aware of man's innate dualism—but chose to affirm his good. Though essentially a traditionalist, she recognized that much of man's progress is based on the disbelief of the commonly accepted.

This lady—held firm to a bedrock belief in the dignity and rights of all people, of all faiths, color and origin.

This mother—made a home for her children cocooned with tenderness and love and imparted to them the samaritan goodness that resided in her heart.

This lady—recognized, decorated, admired throughout the world—retained her most beautiful virtue, a simplicity of faith and spirit—a belief in God and man, and country.

This lady—this gentle lady.

The Prayer of Thanksgiving and dedication, by Dr. Evans, is as follows:

God has promised that wherever two or three are gathered together in His Name, there He is in the midst. He is eager to hold us in His arms of comfort as we make our prayers to Him. Shall we pray.

Oh gracious God and loving Father,

"We seem to give Marjorie Merriweather Post back to Thee, Who gave her to us.

And yet, as Thou didst not lose her in giving, so we have not lost her by her return. Not as the world givest, givest Thou, Oh lover of Souls.

What Thou givest Thou takest not away,

for what is Thine is ours always, if we are Thine.

Thy life is immortal, Thy love is eternal; And death is nothing but a horizon, and a horizon is nothing but the limit of our sight.

Lift us up, Strong Son of God, that we may see further;

Cleanse our eyes that we may see more clearly;

Draw us closer to Thyself, that we may know ourselves nearer our beloved, who are with Thee.

And while Thou dost prepare a place for us, prepare us for that happy place,

That where they are, and Thou art, we too one day shall be."

Oh gracious God, you have comforted us by your Holy Spirit which you promised you would send to us. And therefore, this morning, we pray you special blessings upon the daughters of Marjorie Merriweather Post. Upon Mrs. Adelaide Riggs; upon Mrs. Eleanor Barzin; upon Mrs. Nedenia Robertson.

You have given them a fine base from which to launch their lives into a world of meaning and love. And life is not without its meaning since the passing of their dear mother, for death is but a part of life; we know that. It helps make real our humanity, and keeps us in touch with the earth as it is.

And yet, we know there are times of sorrow so deep, that we wonder if we can bear the weight. And so this day we ask the comfort of your Holy Spirit. We pray this in special blessing upon Nedenia and Cliff in their double loss. Oh God, protect them from asking those questions that cannot be answered and harboring bitterness that only eats like acid; instead may we all let the refreshing waters of your Spirit cleanse away these feelings, trusting our loved ones to you, knowing that you have far better things for them in life there, than we here. If we have potential dominion here, how much greater that dominion when released to the fullness of life in that next world.

You who raised Jesus Christ from the dead, and changed that seeming defeat and failure into a glorious life and victory, lift the veil of darkness, that we may see that when the debris of sorrow lies about our feet, you are able to transform it into the dwelling place of serenity and satisfaction.

Come, oh loving God our Father, and throw your arms of comfort about us, for that is your promise to us and that is our promise received, in the Life and Resurrection of Jesus Christ our Lord, in whose Holy Name we pray.

Amen.

Mr. President, we were uplifted in the services by the music of components of the University of Maryland chorus and the instrumentalists of the National Symphony Orchestra. Carol Bogard of Boston was the soloist. Dr. Leon Barzin directed the orchestra.

Mr. President, I include in my remarks portions of an editorial of Friday, September 14, in the Washington Star-News, as follows:

#### MARJORIE MERRIWEATHER POST

Perhaps the grandest thing about having lots of money is the pleasure of giving a great deal of it away. Marjorie Merriweather Post, who died here this week at 86, was superbly equipped to practice philanthropy, being perhaps the third wealthiest woman in America, if not the world, and beautifully endowed with good business sense—a must for philanthropists if their largesse is not to be squandered. She also had time and taste.

She once said, "My father taught me that if I ever regarded money as something to be worshipped or looked up to, I would never have a happy life. To my father, money was to be used to help other people."

And that's the way she used it.

To all outward appearances she was always in love with life—and a very good life it was. But the exquisite and priceless works of art she collected, the friends she gathered about her and so beautifully entertained, hardly explain such contentment. Her great generosity probably does.

She gave millions to support the National Symphony Orchestra and to bring its music to children, and children to it. She carried on a simultaneous love affair with the Smithsonian Institution, to which she left Hillwood, with its formal gardens, and woods, and mansion filled with her world-renowned collection of Russian art and artifacts, a gift to the people of this country.

Major charitable organizations such as the Red Cross and the Salvation Army counted Mrs. Post among their closest friends, as did several colleges. The full extent of her giving to smaller groups, here and abroad, and to individuals everywhere will never be known.

For all that, she was a gay woman, endowed with many graces, combining, uniquely, elegance and simplicity, toughness and tenderness.

A trusted friend and associate of Mrs. Post told me, yesterday, that, "She was one of America's most extraordinary women. Widely known as one of the richest, she was a philanthropist, business executive and friend whose life style ends an era of elegance and excellence, possibly never to be matched. Born in middle America, she was proud of her heritage and achievements, but she derived particular joy out of her ability to give happiness to others. Mrs. Post entertained kings and queens, Presidents and diplomats, Cabinet officers and Members of Congress in her several magnificent homes. Yet, regal as she was, she always retained the earthly quality and capacity for friendship. She has given two of her estates to the U.S. Government with endowments to maintain them for the enjoyment and the enrichment of heads of state and the public. She was known for her generosity to advance culture—music, ballet and art. She was a Christian whose life exemplified the depth of her belief and faith. Her brilliant mind, vision, organizing ability and decisiveness were respected and her counsel was sought by many. Marjorie Post will be missed by all who had the privilege of knowing her, but her influence and her philanthropies will live forever to enrich the lives of millions of Americans."

Mr. President, there was gentleness, yet firmness, in Mrs. Post's life. She was thoughtful and helpful to thousands of people, yet she was a strong woman of sound business sense. She had keen insight and balanced judgment. Yes, she loved life—a good life for herself, yet she ministered to the needs of others. She was an individual with a wide range of interests and concerns. She valued money and used it not only for her desires, but for the well-being of men and women and little children. Mrs. Post was gracious and good—in the best meaning of the word. She achieved much for herself and for other people. She was a patron of the arts and a patriot of her country. Perhaps we shall never know again such a dynamic woman so devoted to beauty and so dedicated to wholesome service.

ADDRESS BY CHIEF OF STAFF, USAF, TO NATIONAL SECURITY INDUSTRIAL ASSOCIATION

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, September 20, 1973

Mr. THURMOND. Mr. President, Gen. George S. Brown, Chief of Staff, U.S. Air Force, addressed the National Security Industrial Association in Washington, D.C. on September 13, 1973 concerning costs of modern and sophisticated weapon systems.

His remarks are timely and especially pertinent, since the Senate is currently considering the defense appropriations bill for 1974. General Brown presented a very astute assessment of excessive cost problems and actions being taken by the Air Force to eliminate surcharges for which the Defense Department gets nothing in the way of added security benefits. Consequently, I urge my distinguished colleagues to review his remarks very carefully.

In my judgment, arbitrary and drastic cuts in the defense budget must not be taken because of industry surcharges when our national security could be seriously endangered. The problem of reducing unreasonable costs of vital weapons systems must be resolved without irresponsible risks to our Nation's defense posture.

Mr. President, I ask unanimous consent for the remarks of General Brown to be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

#### REMARKS BY GEN. GEORGE S. BROWN

However little we may like the term—or the way it has been used over the past few years—we are part of a military/industrial complex. In the free enterprise economy of our democratic society, and with the technological sophistication of modern weaponry, I know of no other reasonable way to develop and produce the weapon systems that the security of the nation demands.

The system works. It has been notably effective. Major war has been deterred, and smaller conflicts have been kept from going global. In no small part, these achievements have been possible because, up to now, the United States has had superior weapons in sufficient numbers to prevent and to limit war.

Up to now. We are at a point in our history where that kind of effectiveness will no longer be possible, unless it is matched by an equal measure of tough, economy-minded efficiency.

All of us must recognize certain basic truths. First, defense costs, like costs everywhere, have been climbing steadily. Second, even if defense spending could be maintained at a fixed level in current dollar terms there is an erosion of real purchasing power. Third, this has necessitated reduction in force size. Fourth, the reduced force structure makes it more than ever imperative to offset numerical inferiority with qualitatively superior weapons systems. But, fifth, the cost of these systems has also been climbing so rapidly that we face such alternatives as reduced quality, lesser numbers, or just not going forward at all with some programs that are needed.

These factors can only degrade the effectiveness of our defense forces, unless we move in the direction of greatly increased efficiency.



cy in the way we do business. Cost-consciousness—cost avoidance—cost reduction will have to be our way of life.

Not that we haven't made some good progress these past four years or so. In the Air Force, for example, we're seeing genuine results in such programs as the F-15, AWACS, SRAM, Minuteman III and others. They're doing what they're supposed to do. They're doing it on, or ahead of, schedule. And—most of all—they're staying inside the cost envelope.

That kind of progress grows out of such things as putting strong program managers in charge, giving them broad authority, and fully supporting their cost reduction initiatives. It comes from competitive prototyping wherever possible—from components to assemblies to sub-systems to full systems. It comes from innovative contracting techniques and better methods of making cost estimates. And it comes from taking a hard-nosed look, with users and developers working together, at the requirements.

Progress, in short, has evolved from many management improvements, in both industry and government, that have been in the making since at least 1969.

And yet, all these things address perhaps one-half of the problem. They do a good job, for the most part, of controlling direct costs—but they do not have much impact on indirect costs or overhead.

An Air Force Academy study on the subject concluded that anywhere from 50% to 66% of USAF procurement dollars consumed in prime contractor plants are indirect or overhead costs. Of the 7 billion dollars expended in Air Force Systems Command in fiscal year 1972, roughly 3½ billion went for overhead. So this has to be a fruitful area in which to reduce the cost of our weapon systems; an area which has not received proper attention.

In the Air Force—and I'm sure this is true of the other services and throughout DOD—the control and reduction of overhead is going to be the subject of intensive attention, concern—and action. But, as with everything we enter into jointly—you the contractors and we in Defense—a major part of the responsibility resides with you. As the climate of the times indicates, you will have to face that responsibility squarely. And we in government must provide you in industry with greater motivation to curb these costs.

In consumer business and in a firm-fixed-price environment, American industry has always demonstrated that it can keep costs within tight bounds. The time has come when the same discipline must be exerted in government work other than fixed-price contracting. The military services are joining the consumer movement. Some of the examples of overhead problems I will be getting to in a moment lead to questions of credibility, your credibility with us—and with the public.

Overhead per se is a legitimate and necessary part of doing business. After all, my headquarters is in the overhead business; we know from experience what's involved in managing large enterprises.

What I'm really concerned with, are those cases where indirect costs exceed the bounds of legitimacy and necessity. These range from carelessness to outright abuse. Let me cite some instances exemplifying what I mean:

**Unused Capacity.**—We find cases in which contractors carry idle facilities and equipment for excessive periods of time. This failure to divest idle capacity promptly and efficiently increases overhead costs and results in excessive charges to government contracts. The taxpayer—a category that includes all of us—has paid a surcharge, in effect, for which he gets nothing in the way of added defense and security benefits.

This is a notice to industry that such costs will not be recognized on Air Force contracts

when a reasonable time for divestment, or more appropriate utilization, has elapsed.

**Special Capabilities.**—Some contractors maintain special capabilities to perform work in-house that could be done at less cost by subcontracting. Too often, these in-house operations have the same problems as the basic effort: unused capacity, poor indirect cost control, and all the rest. There is too often a failure to aggressively compete subcontractor and vendor items.

**Business Volume.**—Many contractors consider it axiomatic that overhead costs must rise during decreases in business volume because fixed and semi-fixed costs are not as readily controllable as variable costs. While that proposition has some merit, we see cases where costs that should be variable are treated as if they were fixed. One frequent example is an increase in the indirect-to-direct employee labor ratios. Direct personnel are cut as programs dictate, but staff and support functions remain up to strength—on the grounds that approximately the same level is needed to support the remaining direct effort.

That is luxury thinking in an era that has no room for luxury. One major aerospace contractor reduced his ratio of indirect support to direct personnel from 70% to 51%, during a period of business decline, by diligent management efforts.

**Independent Research and Development.**—Some contractors expect the Department of Defense to participate in and absorb costs for a constant or increasing level of IR&D even though their business base may be decreasing. This is unrealistic. We understand the need for and the value of IR&D programs, and we are willing to pay our fair share. But contractor management must evaluate and reassess the worth of these projects, and make absolutely sure that the company is judicious in the use of IR&D money. What we can afford under current conditions is a far cry from what we'd all like to see done in this area.

**Refurbishments.**—One contractor did a great deal of refurbishing on a building being used solely for government contract work. The expenditure during the year came to two million dollars. By his accounting procedures, the two million was expensed during the current year and assessed to government contracts. The next year the contractor took government work out of the building and turned the facility over to commercial operations. Then he objected violently when it was suggested that the refurbishment costs should be amortized over a period of years so that the commercial business would be charged a fair share of this expense.

**Commercial Product Development Cost.**—At another plant the development work for producing a commercial project was included in the overhead cost of a government-oriented division.

The contractor readily admitted that as soon as volume and sales orders permitted, this operation would be segregated into a separate division or cost center. In effect, he was expecting the government to underwrite the development cost for a commercial product; then he would move production elsewhere so that DOD would derive no benefit from having participated in the development costs. You tend to wonder how some people defend "free enterprise"—perhaps with the emphasis on free.

**Depreciation Techniques.**—Still another contractor had a technique for depreciating assets so that some of them were depreciated in excess of their acquisition value. It took the government two years to get that contractor to change his overhead claim!

**Bidding and Proposal Expense.**—Admittedly, these are not easy times for the defense industry as a whole, and any contractor worth his salt is going to fight for any contract he feels he can handle. But I must urge that you fight realistically and constructively in selecting those procurements on which to bid

and in preparing your bid. Contractors who are not rigorously selective about the proposals they respond to, who are not in the forefront of the required technology, who go after everything in sight with little hope of making the grade—such contractors cost us, and themselves, a great deal of money that none of us can afford. Then comes a rash of protests and appeals—which are not only unallowable costs, but which force us to spend a great deal of time justifying contract decisions.

As it turns out, in just about every case the original evaluation holds up, but there we are, expending too much of our scarce resources on the losers. This is economically absurd. The protestor gains nothing; the taxpayer has been had, and the strength of the national defense is again diminished. So it is essential that contractors be realistic in their selection of the business they can hope to be awarded. It's been said and I believe it, that no contractor can afford to bid on a contract he cannot afford to lose!

These are a few specific examples of unnecessary overhead expenses and abuses of indirect costing. All of us can cite numerous others: excess computer capacity, excessive engineering staffs, pension and retirement costs, fringe benefits that grow two to three times faster than salaries—the list is almost endless.

So I say here and now: we never should have indulged in these kinds of overhead practices—and today we cannot afford to do so. For the first time in modern history, other nations are approaching our technological posture, and are threatening to surpass us in some areas. And some of them are doing it with greater efficiency and productivity than we are currently demonstrating.

We have already seen some of the effects in our balance of trade position. That is one part of our broad national security—the economic base on which we stand or fall. But, even more significantly, our forces for national defense are beginning to suffer from these management deficiencies. In the current budgetary climate, the effectiveness of our defense posture can be improved and maintained only if all of us—in military systems acquisitions and the defense industry—conduct our business with maximum efficiency. Therefore, we must devote our best efforts to the elimination of unnecessary and unreasonable overhead costs.

In the Air Force, we are further increasing our capability to evaluate and reduce potential overhead costs. In the future, we will be far more aggressive in issuing notices of intent to disallow costs—before or at the time they are incurred—when we do not agree with your management policies and decisions.

We don't propose to take over your job, but we do intend to have a means to participate actively in the management of overhead and its effect on system costs.

One fact predominates in all this discussion. The responsibility for controlling overhead in the plants of defense contractors rests with the contractors' top management. That is where the policies are established that affect indirect costs. It is from that level that we must have assurance that the policies are sound, judicious, and efficiently implemented.

Today's budget realities present the most sobering and intense challenge the U.S. defense establishment has faced in a quarter of a century. The Department of Defense has laid down a sound foundation for meeting that challenge. The time is ripe to make a concerted attack on that hidden one-half to two-thirds of R and D and procurement costs: overhead!

The Air Force is determined to reduce the overhead and indirect costs burden. We urge the Defense industry to discharge its responsibility for keeping overhead costs to the most attainable minimum. The job of the military/industrial complex is the defense of

the United States. We have to work together to do it at a price the nation can afford.

I have found Air Force units and Air Force men and women ready to accept the challenges ahead, no matter how austere the conditions, no matter how tough the job.

I want to say the same thing of American industry.

It's up to you.

#### RENEWAL OF CREDITS TO PERU

### HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. CULVER. Mr. Speaker, I was pleased to learn today that the United States has finally ended its embargo on international aid to Peru. In the past month a loan of \$12.3 million from the Inter-American Development Bank and one of \$25 million from the World Bank have been approved. For 5 years the U.S. Government has been casting a veto on such credits to Peru.

The principal cause of the obstinate stance by the U.S. Government was the uncompensated expropriation of the International Petroleum Co. in 1968. During the year following the expropriation, the U.S. Government denied aid to Peru and threatened formal implementation of the Hickenlooper amendment in an attempt to pressure the Peruvian Government into paying compensation. The firm stand by the Velasco Government and the resultant near break in U.S.-Peruvian relations understandably required the United States to back down from the unnecessary confrontation. In spite of the fact that punitive sanctions had proved unavailing and U.S. investors began showing a renewed interest in Peru as early as 1970, the U.S. Government continued its hostile attitude toward Peru.

Two months ago I argued on the House floor against renewing legislative directives requiring the cessation of aid to countries that expropriate U.S. property without compensation. Rather than tying the hands of the Department of State and the injured U.S. citizens, they must be left the flexibility necessary to diplomatic negotiations.

While noting the delay in moving toward renewing loans to Peru, I am pleased that the administration has finally relaxed its stance toward the country. I trust this action foreshadows a more open and flexible attitude by the U.S. Government when confronted with instances of expropriation of U.S. property.

I am hopeful that, if this approach is extended to other Latin-American nations, the result will be an overall improvement in relations with our southern neighbors and a consequent reopening of mutually advantageous investment opportunities in this important region of the world.

I wish especially to commend Taylor Belcher, U.S. Ambassador to Peru, who, as explained in the following article, urged upon senior Government officials the wisdom of a more accommodating policy toward Peru.

The article follows:

#### UNITED STATES RELAXES POLICY ON LOANS TO PERU

(By Lewis H. Diuguid)

LIMA, September 18.—In a major policy turnabout, the U.S. government is now favoring international loans to Peru even though American investors' claims for properties expropriated here remain unsettled.

The policy is effectively the reverse of that in neighboring Chile, where loans from the Inter-American Development Bank (IDB) and the World Bank were cut off after American copper interests were expropriated.

A de facto cutoff existed here, too, until this month. Then came \$12.3 million in loans from the IDB and \$25 million from the World Bank, and more appears to be on the way.

This is despite continuing differences on the compensation for International Petroleum Corp., Grace Sugar Properties and a looming conflict with Cerro Corp.

Cerro has announced that profit remittances from its subsidiary copper mining firm, Cerro de Pasco, have been frozen by Peru. The ruling junta has announced its intention to take over the investment valued at up to \$175 million.

Officially, the U.S. flexibility in the face of outstanding claims is possible because the negotiations are continuing on them. The Nixon administration recently named James Greene as special negotiator with the Peruvian government, and a first round of talks was held. A second is expected shortly.

In fact, the flexibility seems to have come because of long pleading by U.S. ambassador Taylor Belcher. The deciding factor was a visit here in May by Secretary of State William P. Rogers, who reportedly came away from talks with Peru's generals impressed by their dedication to development of their country's backward economy.

Until then, U.S. policy was fixed along the lines laid down by an earlier touring Cabinet officer, then Treasury Secretary John Connally. He opposed any official assistance to governments against which American investors had unfilled claims.

This has been a sensitive issue in Peru since 1968, when the military seized power and immediately expropriated the local Standard Oil of New Jersey (Exxon) affiliate, the International Petroleum Corp. Actually, the previous civilian government had threatened to do so but pulled back under the threat of a cutback in U.S. aid.

The military charged IPC with having taken out millions in excess profits over the years and said that no compensation was due. This was expected to spark invocation of the Hickenlooper Amendment named for the late Sen. Burke Hickenlooper (R-Iowa) and stipulating the cut-off of aid in such cases.

This action was avoided. But partly to avoid a conflict with Congress, the administration did cut back aid to a token level.

Then came the Gonzalez Amendment, of Henry Gonzalez (D-Tex.) requiring U.S. representatives on the international banks to vote against loans to countries in compensation disputes with American investors. Connally's policy took its cue from that amendment.

Ambassador Belcher argued that, with the Peruvian government carrying out ambitious investment programs, there was considerable business to be done here by American companies—but that they had little chance if the U.S. Government restricted Peruvian access to international financing.

The loans which found U.S. favor this month include \$6.3 million for a national health center, \$6 million for control of hoof and mouth disease, both from the IDB, and \$25 million from the World Bank for agriculture.

A \$41 million IDB loan is under consideration for a tourism project.

While bilateral U.S. aid remains at about \$3.7 million annually in technical assistance, another \$27.6 million is being disbursed in special aid to offset the effects of Peru's crushing earthquake in 1970. At Belcher's urging, much of this money has been channeled into long-term farming and housing projects.

It is not known here whether the U.S. policy shift here will be applied elsewhere. The other Latin American country where the expropriation issue arose was Chile. With the violent change of government there, changes in the Chilean attitude toward compensation are possible.

#### VETO OF MINIMUM WAGE

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, today's action by the House in failing to override President Nixon's veto of the minimum wage bill is a catastrophe for millions of Americans deprived of the right to a decent standard of living. These are the people hit hardest by the increase in the cost of living which has reached epidemic proportions during the Nixon administration.

The 1.2 million full-time and part-time household workers earn an average wage of \$1,800 to \$2,000 a year. Of this number, 98 percent are women and two-thirds are black. Almost three-fifths of women, heads of families, who reported household work as their main occupation, have incomes below the poverty line. Obviously, Mr. Nixon by his veto has no concern whatever for these people, honest people who want to work, who want to earn their own way. Tragically a majority of the Members of this House by their vote today thought Mr. Nixon was wrong. Unfortunately, we who are concerned about these working poor people could not muster a two-thirds vote to override Mr. Nixon's veto. It is a sad day for the working poor and a sad day for those who think that in rich, fertile America we ought to be able to afford a day's pay for those who want to work. I cannot help but be cynical about those who rail at poor people on welfare but who cannot see their way clear to guarantee a modest wage for those who want to work. To them I say: You cannot have it both ways. If you will not permit workers to receive a decent wage, you consign millions to welfare and the dole.

Mr. Speaker, let me conclude by paraphrasing Thomas Jefferson who said:

I tremble for my country when I think that God is just.

#### MASTER PLANNED COMMUNITY IN ORANGE COUNTY, CALIF.

### HON. CLAIR W. BURGNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BURGNER. Mr. Speaker, on August 26, a 167-acre regional park con-



taining a 40-acre lake was dedicated at Laguna Niguel, a master planned community in Orange County, Calif.

A number of factors make the dedication of this park noteworthy, and I would like to bring them to the attention of the Members.

The first is that Avco Community Developers donated 109 acres valued at more than \$1,400,000 for this park. The company has also dedicated more than 25 acres for a junior high school site, land valued in excess of \$600,000. Moreover, the company has made available to the county, at the loan appraisal value, some 34 acres of beachfront, including 1 mile of beach. Sixteen additional park acres are being dedicated to the county at no cost to the taxpayers. Roads and highways have been widened and four accesses to the now public beach have been provided.

In these days of concentration on the negative, I think it is worthwhile to stop and look at some of the positive trends in public affairs. The actions of Avco Community Developers in donating the land needed to assure sufficient services and resources for the residents of the area is, I hope, part of a new and significant trend in the development field. The cooperation between the developer, the local governmental entities, and the residents of the development has, in this instance, contributed to the creation of a desirable community, and I hope this is an early sign of a trend which will spread throughout the industry and the Nation.

#### MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—NO. 23

#### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. HARRINGTON. Mr. Speaker, according to a WBZ editorial, there are approximately "30 million handguns now in circulation in America." One of those guns killed Thomas Brown.

I would like at this time to include the September 10, 1973, Washington Post article on Mr. Brown and the WBZ editorial. That editorial concludes:

The real threat to the public is the handgun—the concealable weapon used in so many of today's killings. And a real drive to remove them from society is already long overdue.

I concur.

[From the Washington Post, Sept. 10, 1973]  
MAN SHOT DEAD, SECOND WOUNDED IN COUNTY FRACAS

A Prince George's County man was fatally shot and a second seriously wounded during a neighborhood argument at 62nd Place and Jost Street in Seat Pleasant, county police reported.

The dead man was identified as Thomas J. Brown, 39, of 911 62nd Pl., Fairmont Heights. Police said he was pronounced dead on arrival at Prince George's General Hospital shortly after the 8 p.m. incident. Seriously wounded in the shooting was John R. Allen, 56, of the same address, who was reported undergoing surgery at the hospital late last night.

Police said Brown, Allen and another man

had been arguing in the street when the third man drew a handgun. A struggle for the gun ensued, police said, during which Brown and Allen were shot. The gunman then fled.

About one hour after the incident, police said, a man who identified himself as the gunman surrendered himself to county police. The suspect was being questioned early this morning, police said.

[WBZ-TV 4/WBZ Radio 103 Editorial]

ANOTHER ROUND ON GUN CONTROL, No. 3

Another top level national commission has taken a detailed look at the problem of crime in America. And its final report issued last week made it plain that handguns are a major part of that problem.

The commission, financed by the Justice Department and headed by former Governor Russell Peterson of Delaware, urged a 10-year drive to get rid of most of the 30 million handguns now in circulation in America. Its goal is to have possession of handguns limited to police and the military. We support the basic thrust of the commission's recommendations. But experience and continued research on the problem over the past two years has convinced us two major exceptions are in order, for both practical and political reasons.

One would be for shopkeepers, well trained in weapons use, who want a gun for protection on their premises. The other major exception would be for sportsmen involved in target shooting with handguns. That should be covered by strict standards on the guns involved and the people who use them. Earlier proposals have called for these weapons to be kept at clubs or police stations. We recognize the problems involved in that arrangement and would be willing to support a good long test program for these guns to be kept in the possession of qualified sportsmen. Future legislation would be shaped on how those guns are used. This provision should answer the legitimate arguments of sportsmen and their lobby.

The Peterson Commission made the same careful distinction we've always tried to make between handguns and long guns. Responsible citizens who feel insecure in their homes would still be able to have rifles and shotguns. The real threat to the public is the handgun—the concealable weapon used in so many of today's killings. And a real drive to remove them from society is already long overdue.

#### ANNOUNCEMENT OF HEARING ON HOUSE JOINT RESOLUTION 76

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. CONYERS. Mr. Speaker, I would like to announce that the Subcommittee on Crime of the House Judiciary Committee will hold a hearing on House Joint Resolution 76, and related bills, which would limit the term of office of the President of the United States to a single 6-year term. The hearing will be held on Wednesday, September 26, 1973, at 10 a.m. in 2237 Rayburn House Office Building. The subcommittee will hear testimony from Theodore C. Sorensen, author and former aide to President Kennedy. The subcommittee will also hear testimony from our colleague, the Honorable E. DE LA GARZA, who is the sponsor of this legislation.

The proposal of limiting the term of office for the Presidency to a single term

is not a new idea. A single term of office for the President was strongly advocated almost 200 years ago during the Constitutional Convention. In addition, several Presidents have supported a single 6-year term of office. In 1913, the U.S. Senate approved a single-term proposal, but the House failed to act on the legislation. In addition, in 1971, Senator BAYH's Subcommittee on Constitutional Amendments held hearings on the single 6-year term. This year, six bills on this subject were introduced in the House and one in the Senate. In light of Watergate and related Presidential misconduct, this issue is again ripe for discussion.

The subcommittee will hold further hearings on this important legislation in October. Those wishing to testify or submit statements for the record should address their remarks to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

#### STATEMENT OF LAIRD NOH

#### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. SYMMS. Mr. Speaker, enclosed is a very thoughtful statement that was made by Laird Noh of Kimberly, Idaho before the House Agriculture Committee which sheds some light on all the emotional idiotic deception that has been perpetrated by the EPA, with regard to coyote poisons.

Mr. Speaker, I am convinced that the biggest predator of all in this country is the bureaucrats in the EPA who apparently do not have any concern about the truth.

Every time we pass another repressive irrational law we come 1 day closer to forcing the American producers to resort to dumping tea in the harbor—much like our ancestors, the "Malcontents of Boston", had to do 200 years ago in order to send a message to the king.

#### STATEMENT OF LAIRD NOH

Mr. Chairman, I am Laird Noh, Kimberly, Idaho, Chairman of the National Wool Growers Predatory Animal Committee.

We do very much appreciate the interest of your Committee. This is the first time the agricultural aspect of this vital question has been seriously considered. In the Merchant Marine and Fisheries Committee of the House there is a bill which could be properly called the Coyote Protection Act of 1973.

In the struggle over this legislation, and the events which immediately preceded it there has been so much deception, so much falsehood, so much contradiction, on the part of some individuals in the Administration, it is hard to know where to begin to set the record straight.

Let us deal first with the activities of EPA.

1. Others on the panel will detail the frustrations of attempting to gain registration of products as provided under the act, or even to obtain information as to the proper way to go about registration. I will only say there has been a conscious effort by a few people within EPA to insure that we were stalled off in hopes of gaining passage of legislation which would permanently ban toxicants. This would prevent the sub-

mission of applications which would reveal the gaping holes in the supposed facts which were used to support the executive orders.

2. The "findings of fact" submitted to support the suspension of registrations for toxicants are not facts, but often falsehood: under cyanide, the only reference is to explosive devices. There is no mention of the spring-loaded M-44. Does this mean they did not even know it was the only device used with cyanide by the Bureau of Sport Fisheries for several years? Or were they really not interested? Item 6, under cyanide, proposes danger to humans from the devices used, but there has never been an injury to a human with the use of the M-44. Under 1080, finding 18, says "1080 is a white powder, soluble in water, very stable, and thus very persistent in ground water." There is a wealth of scientific data on 1080 which can best be summed up by the comments of the Interior Department's top predator scientist, Dr. Donald Balser, testifying before the Senate Interior Subcommittee in Casper, Wyoming. There, Senator Cliff Hansen asked Dr. Balser, "Is compound 1080 persistent in the environment?" The response was "I would say from the literature that it is not. It is broken down in soil and in water." Finding 20, of the EPA fact sheet, proposed 1080 used in predator control has probably killed people, or at least it is not known whether predator control was involved in the human deaths to 1080 or not. The answer is known. The Interior Department has thorough records on deaths from 1080 acquired from the U.S. Health Service. Let me quote Dr. Balser, again at the Casper hearing when he was asked by Senator Hansen, "How many human deaths or injuries have been attributed to 1080 while it was being used for coyote control by the Bureau of Sport Fisheries and Wildlife?" The answer was, "None sir." I'd suggest that in 20 years of use, that is not a bad safety record. It is true that deaths, and several of them have been caused by 1080 in urban rodent control. But that is a later story. Finding 21, under 1080, states there is evidence nontarget species are being adversely affected by 1080, and that the evidence of its effect on various animal populations is not clear. Dr. Frederick Knowlton, who works directly under Dr. Balser, testified at Senate hearings, in Sun Valley, Idaho, June 1, 1973, in response to Senator Frank Church, that, "... there is little doubt that some bobcats, foxes, and badgers have been killed through the use of 1080 for coyote control. Despite these losses, the evidence clearly suggests that populations of these species increased markedly as a result of such use." In addition, you have before you the affidavits submitted to the District Court by Mr. Jack Berryman, stating very clearly that there has been no adverse effect upon any of the endangered species, and citing the same evidence used by Dr. Knowlton, to support the case. (I cannot help but notice the logical inference from this data that coyote control with 1080 might be needed to save the notorious black-footed ferret.) All of these facts were available to EPA when they published their statements of falsehoods. Either EPA did not care to obtain the facts, or it chose not to publish them.

3. Individuals within EPA and Interior have been inconsistent. Mr. Korp testified before this Committee Tuesday that EPA had sufficient authority under FIFRA to handle toxicants. Mr. Dominick testified before other Committees of the Congress earlier that more restrictive legislation for pesticides were needed! Other pronounced changes were noted Tuesday, too. Suddenly the facts have changed for EPA, as well as for Mr. Reed, on the M-44. It is suddenly recognized to be safe for wildlife and the environment. All the facts about the M-44 were available before the M-44 was ever

banned. The facts have not changed. The parties involved have been forced to admit the facts.

They have not yet admitted the facts on other toxicants. Hopefully some of these facts will be brought forth during the EPA hearings upon cancellation of toxicants for rodent control in the month ahead. And it is important to emphasize, as others did Tuesday, that no hearings were held prior to the suspension of pesticides, but they will be held for rodenticides. That is progress, but it is not helping the sheepman.

Mr. Reed, from the Interior Department, does not appear to be much concerned with facts either. Under questioning Tuesday, he expressed a belief that probably 1080 was more selective when used to control rodents than when used to kill coyotes. But as a matter of fact, the reverse is true, which is precisely why 1080 was chosen over all other compounds as the one for coyote control. It has relative selectivity, being much more lethal to canines than to other animals. It should be noted that an eagle would have to consume the viscera of seven to 30 coyotes to obtain a lethal secondary dose of 1080. Senator McClure observed during the Sun Valley hearings on predator control before the Interior Subcommittee, "That would take a mighty large eagle." 1080 baits were employed by the Department of Interior in the area of Wyoming where the great eagle poisonings took place. There was a great search for dead eagles, and many found. But, not one had expired from a dose of 1080.

Mr. Reed also testified Tuesday that only a small percentage of coyotes take sheep, about 10 percent, and suggested there was hard evidence to back that statement up. Where is that evidence? I doubt it exists.

Mr. Reed, over a year ago, stated that research breakthroughs were imminent to solve all of our problems. He has changed his optimism somewhat to the point where Tuesday he only said there were "very exciting leads." While Mr. Reed was talking about breakthroughs, scientists were saying no breakthroughs were imminent, and if something were found, it would take two or three years for field tests. Even then possible FDA approval might take years and millions of dollars more.

Mr. Reed also lays all the blame on the Cain Commission for the Executive Order.

Suddenly, there is a shortage of noble statesmen ready to stand up and be counted. The fact is, that the members of the Cain Commission were not even consulted before the Executive Orders were released. Mr. Ben Avery, of the "Phoenix Sun", reported that Secretary Morton did not even see the Cain Report before the Executive Order, and two of the members of the Cain Commission which I have personally talked with have said the Executive Orders were a mistake, never intended by the Cain Commission. Any layman reading the Report will reach the same conclusion. Before Chairman Dingell's Merchant Marine and Fisheries Subcommittee on March 19, 1973, Mr. Dominick, of EPA, attributed statements to the Cain Report which are not even in it. (House Hearings on H.R. 4759, March 19, 1973, page 89.)

This is by no means the end, Mr. Chairman, but I hope you can understand the problems we have faced in attempting to bring the facts before the Congress and the American people, and obtain relief for our industry. Legislation has been proposed which would destroy all hope for sane use of modern chemicals, not only those now in existence, but all future chemicals as well. Research cannot even go on now within the Government on lethal methods for predator control. That legislation has had the support of the Department of the Interior and EPA. We see this legislation as being in direct conflict with FIFRA. It shows no concern at all for the agricultural aspects of the predator problem.

One Congressman has suggested that the proposed legislation will relieve livestock men from complying with the onerous provisions of FIFRA. Frankly, we had assumed FIFRA was enacted to permit the controlled use of toxicants to benefit agriculture and the environment.

While we realize this Committee does not have jurisdiction over that legislation, we do feel your interest is legitimate, so far as the conflicts with FIFRA are concerned. We respectfully ask your Committee to consider attention to the following matters.

(1) Insuring that the FIFRA act is speedily implemented.

(2) Insuring that legitimate applications for registration of state plans are not buried by the lower bureaucracy, but are properly considered and acted upon.

(3) If FIFRA is an adequate law we would appreciate this Committee's support to assure that our needs for toxicants are not singled out for further legislative restriction. If FIFRA is shown to be inadequate to perform as intended, it should be appropriately amended by this Committee.

(4) We ask you to scrutinize the inter-agency agreement being developed by EPA to consider applications under Section 18 of FIFRA, to see that the agreement is workable and affords expeditious relief.

(5) We would ask that you encourage the Department of Agriculture to insure that the viewpoint of agriculture is expressed only in the Congress on legislative matters vital to the nation's livestock industry.

(6) The whole subject of rodent control is vital to American agriculture. Major changes in rodent control function have been proposed in legislation also designed for predator control currently before Committees of the House and Senate. No hearings have been held on the rodent portions of that legislation, and there is danger of passage without even the knowledge of interested parties that rodent control is involved.

(7) Due to the attitude and conduct of persons responsible at the higher levels, for the predator control function in the United States, we seriously believe this Committee should examine whether the Department of Interior is the appropriate agency to intelligently administer a scientific program of predator control needed to protect domestic livestock production.

(8) Field hearings by this Committee might well prove useful to you in grasping the great diversity of problems, terrain and conditions; and seeing the intense need for relief from predators.

(9) The Agriculture Committee had jurisdiction over, and originally obtained passage of the Act of March 2, 1931, which provided protection for domestic animals from predatory animals. While we do not suggest this Act remain on the books in its present form, we do believe this Committee should determine whether the Act of 1931, should be amended or repealed, rather than permitting the Committee on Merchant Marine and Fisheries to directly repeal it.

AT 19, HE HAS LAUNCHED HIS  
POLITICAL CAREER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BENNETT. Mr. Speaker, it was my pleasure in 1970 to appoint Ramon L. Day as page for the House of Representatives. This has been but a short time ago but this young man has already made great strides in his chosen career in



Government and politics. I take pleasure in including in the CONGRESSIONAL RECORD at this point an article published in the Jacksonville Journal in its September 1 edition, which is an outstanding tribute to this young man. I feel sure all who knew him here in Congress as a page are delighted at his advancement and prospects.

AT 19, HE'S LAUNCHED HIS POLITICAL CAREER  
(By John Farley)

Today the Charter Revision Commission, tomorrow the world.

That's the attitude of Ramon Day who, at 19, is the youngest member of the commission and probably the youngest person in city government.

Day, who took his seat on the commission this week, is a young man with soaring political ambitions. He views the commission as one rung on a ladder to greatness.

Handsome, well-spoken and exuding self-confidence, Day seems ready to climb that ladder.

Day, a sophomore at Jacksonville University majoring in political science and history, traces his interest in government back to the eighth grade.

"I'd say my interest in government began in the eighth grade and that I've been following government closely since 1971," Day said. "Now, I'm glad I have the opportunity to study government with a fine tooth comb."

Day was born in Madison, but has lived in Jacksonville since he was 2½. His father died when he was 3 months old.

Day has two older half-brothers, one a construction foreman and the other a farmer. His mother runs a small day nursery at home.

Day attended Duval County public schools for 12 years before entering college last fall. He made his first attempts at political office while in Terry Parker High School, meeting with mixed success.

"I was a junior class officer and an unsuccessful candidate for school president," Day said.

Did his defeat dampen his enthusiasm for politics? Not in the least.

"My loss only intensified my interest in government because it took determination to come back," Day said.

Day, a Democrat, had a taste of big-time government three years ago when he worked as a page for Congressman Charles E. Bennett in Washington.

"In November 1970, when I was a junior at Parker, I served as a page for Mr. Bennett in Washington," Day said. "It was a fantastic experience being there for the first lame duck session of Congress in 20 years."

His duties consisted of "carrying things around the Capitol grounds," but in the process he had the chance to meet many congressmen. He said it was an experience he'll never forget.

Day's interest in politics has led him to play an active part in legislative races.

"In 1970, I worked in Sen. (Lynwood) Arnold's campaign, but he was defeated by Bruce Smathers," Day said. "I also helped Bennett in the general campaign by passing out literature in shopping centers, door-to-door canvassing and even making a speech for him in Maxville."

Although still in school, Day is no stranger to the working world. Over the past few years, he has worked at a variety of part-time and summer jobs.

"I worked at my uncle's service station after school during my three years at Parker," Day said. "This and the past summer, I worked in construction as a general laborer. This past school year, I worked at the Florida National Bank in the trust department and I'm hoping to do the same this coming year."

Day said that the older construction workers did not take too kindly to him at first,

but after a while got used to having him around. The older workers often tried to play jokes on him and once they succeeded.

"They sent me to get some beam stretchers—the blue ones," Day said. "I went and asked the foreman, and he didn't know what I was talking about. I didn't know there was no such thing. You can't stretch a beam."

Day pointed out that he was quick to learn from his mistake.

"I didn't fall for it the time they sent me for a bucket of steam," he laughed.

Most of Day's recreation interests are water-oriented.

"I like to swim, water ski and I try to surf," Day said. "I really work at keeping a good tan. I'm on the beach as early as February each year."

Day said that for some reason he gained a great interest in reading this summer.

"I've read several books this summer mostly nonfiction," Day said. "I have a special interest in biographies. I've just finished a biography on John Kennedy."

Although he greatly admires Kennedy, Day said that his favorite American politician and statesman is Thomas Jefferson.

"Jefferson was an aristocrat with an understanding of the common man," Day said. "He knew that a democracy demands equal control by all groups, that there must be an informed and educated electorate and an elected officialdom."

After graduating from Jacksonville University, Day hopes to attend law school at the University of Virginia, a school founded by Thomas Jefferson. Statistics show that most congressmen are lawyers.

Day's appointment to the Charter Revision Commission was not a matter of chance. By attending meetings and actively seeking the post, Day captured a seat through his own initiative.

"I went to a meeting in May and heard that J. J. Daniel had resigned and they were looking for a replacement," Day explained. "After the meeting, I talked with Dave MacNamara, the council secretary, and told him I was thinking about applying for the position. He told me to write an official letter of application to him, which I did."

"On July 10, a resolution was introduced in City Council nominating me for the seat. On July 20, I went before the rules committee and was questioned by them, and they confirmed my appointment. On Aug. 14, I was confirmed by full City Council."

Day faithfully attended commission and subcommittee meetings during the past few months to familiarize himself with the issues under consideration.

At Wednesday night's commission meeting, Day received the assignment he most wanted, the Beaches and Baldwin committee.

"I'm mainly interested in the Beaches and Baldwin committee and I've been keying myself for that one," Day said. "The relation of the Beaches and Baldwin to the city is a vital area of study."

What are his political ambitions beyond the commission and law school?

"Maybe the state legislature. I'd have to serve in the legislature before aiming for my biggest ambition, the Congress, the Senate and then, who knows."

It seems like a logical enough progression, but Day admits that there are many pitfalls along the way.

"I'll have to wait and see how things work out," Day said resignedly. "It's a rough profession."

Day said it is a shame that more people are not interested in government in this country.

"I can't think of anything a person needs to be interested in as much as government, since government plays such a major role in everyone's life," Day said. "When a person isn't interested in government, he isn't interested in people and their problems."

The Watergate revelations have not shaken Day's desire for public service in the least.

"Watergate has reintensified my interest in politics," Day said emphatically. "If someone has strong feelings about what the country should do, he should go out and try to solve the problems. I don't have all the answers, but I'm willing to give it a try."

"We may try to solve the problems and be unsuccessful, but if we're content we'll never get a better answer. We must keep on trying."

Day seems like a young man who will keep on trying and just may make it to the top in the process.

He summed up his philosophy in a quote from a contemporary movie: "When the trying ends, the dying begins."

## COLLAPSE OF PENN CENTRAL RAILROAD

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. RINALDO. Mr. Speaker, the story of the collapse of the Penn Central Railroad and of the bankruptcy of five other carriers in the northeast is an all-too-familiar one, especially to New Jerseyans who have been forced to endure a seemingly endless string of rail crises.

Congress has a clear obligation to act, in light of the realities of the situation and in view of the July 3 request by the Federal judge in the Penn Central case, who requested the ICC to certify an approved plan of liquidation or partial abandonment by October 1.

It is obvious that we must not rush into action that would merely cover up the situation or legislation that would be too costly and involve excessive governmental intervention.

After analyzing the many bills on this subject, I have concluded that the kind of legislation the times and circumstances presently require should include the following provisions:

First, we should avoid nationalization—regardless of the euphemism that might be employed to disguise the actuality. Such a step could not solve the fundamental problems of our ailing railroads. In fact, it could worsen them.

Second, the task of developing the regional rail plan for the Northeastern States should be developed by a special commission or panel. No individual Federal agency should be given the power of life and death over the economy of so large a part of our country.

Third, the final plan should be ratified by both Houses of Congress.

Fourth, the private sector must provide the extensive capital needed for rehabilitation. The funds themselves could be channeled through a financial intermediary similar to the Federal National Mortgage Association.

Fifth, any new program should be designed to avoid putting solvent rail lines and other competing modes of transportation at a disadvantage and thus unfairly jeopardizing their solvency.

Sixth, the rights of the railroad employees must be protected.

Seventh, and perhaps most important, any new operation absolutely must be a profitmaking private enterprise, gener-

ating its own revenues for operations. Any external financial help should be carefully limited in scope and purpose.

For these reasons, I am joining in sponsoring the Northeastern Regional Rail Services Act of 1973, H.R. 9142.

This measure would provide a sensible approach to the problem of money-losing branch lines. While the economy of communities such as those along the Lehigh Valley branch through Union County in the 12th Congressional District of New Jersey would be adversely affected by peremptory abandonment of rail services, some type of shared financial aid, limited as to amount and duration, should be provided. The bill would authorize the Federal Government to put up 70 percent of the funds required to keep a branch line in operation, provided the States, local communities or regional authorities agree to put up 30 percent of the costs.

Limited and temporary Federal aid, on a shared basis with the communities involved, would seem to be the most prudent approach. Such a program would prevent far larger indirect economic costs in terms of business closings and lost jobs.

The Northeast Regional Rail Service Act is a sound, responsible approach that provides the needed amount of money in precisely the right places and by the right procedures. I urge support of this measure.

#### CLOSING OF ST. ALBANS NAVAL HOSPITAL

#### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues a WNBC-TV editorial and a WCBS-TV editorial on St. Albans Naval Hospital in Queens. The Navy is planning to close the hospital. The area's veterans, some of whom must travel 40 miles to receive the health care they need, would be well served by this hospital. Virtually all members of the New York delegation and I have tried to have the Veterans' Administration take over the hospital and keep it operating. Senators BUCKLEY and JAVITS, Governor Rockefeller, other members of the New York delegation and I wrote to the President in support of a VA takeover of St. Albans Hospital. Despite our best efforts, we have not yet seen this administrative change, which is the least we can do for our veterans.

The following editorials speak eloquently of the need for the VA to run St. Albans and of the problems that have been encountered in trying to make this change:

[WNBC-TV Editorial, Aug. 20, 1973]

#### ST. ALBANS GOOF

The Navy is anxious to abandon St. Albans Naval Hospital in Queens. In fact, a group of disabled veterans had to go to court to stop the Navy from carting equipment out of the hospital. The veterans—half a million of them in Queens, Nassau, and Suffolk counties—want the Veterans' Administration to take over the hospital and keep it in opera-

tion. They've been joined by borough president, Donald Manes, state and federal lawmakers, in trying to persuade the VA to move in before the Navy moves out.

Unfortunately, the VA is dragging its feet. And what's worse, the Department of Agriculture has been visiting St. Albans' 117 acres in the past few days, with blueprints for an animal quarantine station complex. Men who have fought for their country should be higher on the priority list than imported animals.

It would be a tragic blunder if St. Albans ended up that way. We think the VA should take over the hospital immediately, before the Navy lets it deteriorate. And we don't think possible top-level personnel changes in the Veterans Administration should stand in the way of that take-over. The VA must act now to save St. Albans hospital.

[WCBS-FM editorial, Sept. 14, 1973]

#### ST. ALBANS NAVAL HOSPITAL

We thought it was a bad joke. But we checked and it's true. The Department of Agriculture is promoting a plan which calls for the construction of a quarantine center for imported animals in the middle of South Jamaica, Queens.

The 116 acre site, presently occupied by the St. Albans Naval Hospital, just happens to be surrounded by one of the city's finest black residential communities. This tiny pocket of affluence is in turn surrounded by areas of desperate poverty.

Instead of creating an area for housing animals for zoos and breeding purposes, a group of South Jamaica residents have proposed that the site be used for housing, schools and a community medical center, upgrading the entire area, affluent and ghetto alike.

Ultimately the use of the site will be determined by the General Services Administration. Its suggested use as an animal quarantine is outrageous.

We at WCBS/FM hope that the community group's idea gets preferential treatment.

#### ARAB OIL

#### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. REID. Mr. Speaker, I insert in the RECORD an incisive article which appeared in the September 1973 edition of the ADL Bulletin, the national publication of the Anti-Defamation League of B'Nai B'rith.

The article regards our present energy shortage, and pressures which are being levied on the United States to change its policy of support and backing for Israel in return for agreements with Arabian countries on oil.

Mr. Speaker, I commend this article to the attention of my colleagues.

#### ARAB OIL BLACKMAIL

(By Arnold Forster, associate director and general counsel of the Anti-Defamation League)

(The myth of Israel's relevance to the oil situation has been manufactured to hide the real reasons for an "oil problem"—and to force a change in United States policy.)

Seeking to exploit their pivotal position as a major world source of crude oil in a period of rapidly escalating demand for it, the Arab states have launched a campaign of propaganda and political pressure to blackmail the United States into changing its pol-

icy in the Middle East. The campaign, aided in this country by pro-Arab forces and giant international oil companies, is aimed at convincing Americans that a reversal of U.S. Middle Eastern policy—away from support for Israel's survival—is the only way to assure a continuing flow of Arab oil.

In recent months, the American public has been deluged with articles, analyses, editorials and cartoons linking a so-called "oil shortage" and "energy crisis" to American policy in the Middle East. Two oil companies, Standard Oil of California and Mobil, have joined the attempt to influence public opinion.

In a July 26 letter to its 40,000 employees and 262,000 shareholders, Standard Oil of California brazenly lobbied for support of Arab policies. According to the letter, signed by Standard's board chairman, O. N. Miller:

"... There now is a growing feeling in much of the Arab world that the United States has turned its back on the Arab people. ... The Arab States—and Iran—hold the key to the energy resources which fuel the industrialized nation. ... They represent the only major source to which the United States can look for any substantial increase in its crude oil imports to meet our needs. It is highly important at this time that the United States should work more closely with the Arab governments to build up and enhance our relations with the Arab people. We as Americans have a long history of friendship and cooperation with Arabs. It goes back more than 100 years, long before the first oil operations, and involves cultural relationships which encompass education and religion, as well as commercial trading. ... There must be understanding on our part of the aspirations of the Arab people, and more positive support of their efforts toward peace in the Middle East. ..."

On August 6, in response to massive protest from Jews and others, Mr. Miller sent a letter to a representative of the Jewish community declaring in part that: "Some people have indicated that they thought I meant to imply in my statement that peace and stability in the area could be established without regard to the existence of Israel or its legitimate interests. This is simply not true and no such implication can or should be read into what I have said. ..."

He refused, however, to send this second letter to the employees and shareholders who had received the first one.

In a June 21 ad in the *New York Times* titled "The U.S. stake in Middle East peace," the Mobil Oil Company said in part:

"... Like it or not, the United States is dependent on the Middle East even just to maintain our present living standards in the years immediately ahead. ... We in the United States must learn to live with the peoples of (Saudi Arabia and Iran) and to understand that they look to us for policies that recognize their legitimate interests and aspirations. ... If our country's relations with the Arab world ... continue to deteriorate, Saudi Arabia may conclude that it is not in its interest to look favorably on U.S. requests for increased petroleum supplies. ... It is therefore time for the American people to begin adapting ... to the realities. ..."

Some articles and comments in influential and widely circulated newspapers and magazines have posed the issue bluntly: Oil or Israel. Yet Israel is extraneous and wholly irrelevant to the oil situation. The current oil supply squeeze would have confronted the United States even if the Jewish state had never been born. And the "energy crisis" and "oil shortage" are not the same.

One is related to the rapid growth in demand for oil and oil products while the oil companies, for many reasons, have failed to expand refinery capacity to meet the increased need and the development of alternative energy sources has lagged. Israel's ex-



istence and safety have nothing to do with the world's rapidly accelerating need for energy sources.

The alleged "oil shortage," however, is related to the declining value of the American dollar. There is an economic reason for keeping oil in the ground. Why sell now for cheap American dollars, when the output can be held down until it can command higher prices in a more stable economy?

Afraid of stating their case in such crass money terms, the Arab oil potentates have adopted the position long urged on them by their non-oil-producing allies: Crude oil supplies will continue to flow to the West, and even be increased, if the United States ends its support for Israel and expresses far greater sympathy for the Arabs' political position.

To cite "United States support for Israel" as the reason for an oil shortage is to make Israel a convenient tool and scapegoat. The Arab oil-producing countries would be crying "oil shortage" even if there were no Israel.

Many experts have pointed out that the United States has a sufficient supply of crude oil; what is lacking is the capacity to turn it into useful commodities for autos, furnaces and air conditioners. This refinery capacity has not been achieved because American oil companies—including those which have been publicly bemoaning a shortage—have been concentrating on big profits from crude oil. A major part of the oil problem has been the failure of our own government, the oil companies and other private interests to build the necessary facilities for refining crude oil.

Thus, the "oil problem" is not a political problem at all but an economic one. The relevant aspects involve supply and demand, American refining capacity, alternative sources of energy, Washington's regulatory policies on energy, and certain practices in the American oil industry.

The solution, therefore is not political but economic. The answer does not lie in bowing to Arab blackmail by stabbing Israel in the back. If Israel died tomorrow, the Arab oil-producers would still prefer to keep their precious commodity in the ground, for the reasons cited.

Experience shows that political appeasement and submission to Arab blackmail have a way of backfiring. There is a lesson in the experience of France, which, to insure adequate oil supplies, turned its back on Israel, bent to the demands of the fanatical Libyan dictator, Muammar el-Khaddafi, and thought it was then safe. Now, four years later, France has yet to reap its expected rewards, is still being denied the extra crude oil it needs and like all other Arab oil customers, is paying steadily skyrocketing prices for the supplies it is managing to get.

The answer to the oil problem lies in the development of a sound, long-range American energy policy aimed at achieving greater national self-sufficiency in oil and other fuels and at freeing the United States from its dangerous dependency on unstable, often unreliable, frequently bellicose Arab regimes.

For its own national security, the United States must avoid overdependence for a major resource on any single political bloc on the international scene. Also for its own national security, the United States must continue to support the sovereignty and integrity of Israel, its only reliable friend in the Middle East and the only truly democratic government in that part of the world.

That the Arab propaganda campaign against Israel is playing on American concern over the "energy crisis" can not be taken lightly. According to a recent Louis Harris poll, 77% of the populace view the "energy crisis" as "serious." This represents a considerable segment of the American public which may be disturbingly vulnerable to the

anti-Israel arguments of the Arabs and their sympathizers—if they are not countered.

The task is to bring the truth to the American public before it is too late. To this the Anti-Defamation League is dedicated.

## MISSOURI COMMISSION ON CIVIL RIGHTS

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. HUNGATE. Mr. Speaker, I would like to call to my colleagues' attention the efforts of the Missouri Commission on Human Rights as detailed in their August newsletter.

They have an important, difficult, and sometimes thankless task and deserve credit for the worthwhile effort they are making.

The newsletter follows:

PROGRESS, NEWSLETTER, MISSOURI COMMISSION ON HUMAN RIGHTS

#### ABOUT THE HUMAN RIGHTS COMMISSION

The Missouri Commission on Human Rights is the state agency which enforces Missouri's anti-discrimination laws. These laws make it illegal to discriminate in employment practices, housing, or in places of public accommodations because of race, creed, color, religion, national origin, or ancestry, and because of sex in employment only.

The Commission was created by the 69th General Assembly in 1957, and made a permanent agency in 1959.

The Governor appoints 11 Commissioners to serve on the Commission without pay. One Commissioner is appointed from each congressional district, and a chairman is appointed-at-large.

#### COMMISSION PREVIEW THE FUTURE

The Missouri Commission on Human Rights met in Jefferson City on July 27 and 28 with the new Chairman, Edwin Pruitt, Jr. presiding. The Commission adopted a policy of being in favor of the Equal Rights Amendment for Women.

The Commission also voted in favor of initiating action to amend the State Human Rights laws to make the Commission more effective and responsive to the needs of the people. These amendments would include: providing for hearing examiners to hold public hearings; provide the staff with a General Counsel; extend time allowed to file a complaint from 90 to 180 days; include age discrimination in the employment law; include sex and age in the public accommodations and housing laws; and to amend the Fair Housing Law to make it more in line with the Employment and Public Accommodations Laws.

#### COMMISSION PUBLISHES 'NEGROES IN MISSOURI'

"Negroes in Missouri", an analysis of the racial characteristics of the Missouri population using the 1970 United States Census of Population, has recently been published in revised form by the Missouri Commission on Human Rights.

"Negroes in Missouri", has been written by Dr. Rex R. Campbell of the University of Missouri's Department of Sociology and Thomas E. Baker, a former member of the Commission Staff.

The following is the introduction to the study written by Campbell and Baker:

"The 1950's and 1960's were the years when Black Americans joined together to tell White Americans of the plight. The conscience of much of White America was shaken. Sup-

porters of equal rights forced passage of government programs and anti-discrimination laws.

Periodically it is helpful to pause and consider the results of such social movement. Lest we forget the importance of the racial issue, Blacks now number over 480,000 in Missouri and are over 10 percent of the population.

In 1949, the Missouri Association for Social Welfare published a follow-up study. The Commission found that discrimination permeated virtually all aspects of Black life. Economically, Blacks were segregated to job classifications in the lower part of the occupational ladder and thus earned lower incomes. Public accommodations were segregated, including health care facilities. Some towns in rural Missouri still had 'sundown' laws.

In 1964, the Commission published still another study regarding the status of Black Missourians. This study, *Negroes in Missouri—1960*, was developed from the 1960 U.S. Census data. The data clearly showed Blacks were disadvantaged in comparison to Whites.

The current study is a follow-up on the earlier census study. Through it we can see twenty years of success and failure in race relations.

While the 1960's were years of progress in race relations, the 1970 census shows that Black Missourians are still severely disadvantaged in comparison to whites.

The 'educational gap' has grown. The average Black in Missouri now has 10.0 years of education while the average White Missourian has completed 12.0 years of school. In 1960 only about a year of school separated the two groups. This situation is unfortunate since nationally the education gap has decreased slightly.

A few Blacks do hold high level jobs, but the overall employment picture is much the same as 1960. Blacks still tend to be located in the lower paying jobs. They have an unemployment rate twice as high as White Missourians. The income of the average Black family is 25 percent lower than the income of the average White family.

Blacks have not made the progress in education and income during the last ten years that was desired. While the census data cannot reflect the finding, progress has been made in opening public accommodations to all people. With limited exceptions, public accommodations in Missouri are now offered equally. The 'sundown' laws are gone.

Included in the current publication is census data concerning 'national origin.' The data is included because of its relevance to anti-discrimination laws. Data on Missouri's Spanish American population is not included because it has not been verified. For more detailed information on characteristics of the population the reader should consult the publications of the Bureau of the Census.

Copies are available by request at the Commission office.

#### NEA-AFT POWER LUST

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. HUBER. Mr. Speaker, the opening of public schools this year has been marred by a series of strikes against various school systems. Increasingly, the trend is toward total unionization in some form for our public school teachers. Is this union adversary approach good for education? I think not. In an excellent

article by Russell Kirk in National Review for September 28, 1973, it is pointed out that the continuation of this trend may mean that the public schools will not be public any more and that the paying citizen will have even less control than he does now. I commend this article to the attention of my colleagues:

#### NEA-AFT POWER LUST

In several states, militant teachers' unions aspire to control totally the apparatus of public instruction. Their method is this: First, bring pressure upon state legislatures to authorize the agency shop or union shop for public-school teachers and other public employees; second, extract great sums of money annually from the teachers in the public schools, through union dues (or "equivalency fees") that will be exacted compulsorily from all teachers under agency-shop contracts; third, use this money for political campaigns against school boards and against members of state legislatures and other public men who oppose a monopoly by the teachers' unions.

If effectual control of the educational apparatus were to pass from the hands of public trustees and administrators to the hands of union leaders, then eventually what is taught in the system of public instruction, and what persons are employed to do the teaching, would be determined by union organizations not subject to ordinary political processes. Under such circumstances, the educational system would cease to be genuinely public, and its policies would be those of a kind of union elite. This surely would result in immense increase of costs, for the beneficiaries of expenditure would control the expenditure. More important, this would produce intellectual servility to a clique of teachers' union bosses.

For the national teachers' unions, whether the NEA or the AFT and their state and local affiliates, have ceased to be professional associations—if, indeed, they ever truly were. Their concern nowadays is not with the improvement of public instruction, really, but with power and money for their own organizations. Worse still, these teachers' unions have a discernible ideological bent, hostile toward genuine learning and toward genuine academic freedom. On a national level, the political hunger and anti-intellectual objectives of the present National Education Association are sufficiently suggested in some remarks of Mrs. Catherine Barrett, now president of the NEA, and in the NEA's booklet "Schools for the 70s."

Mrs. Barrett looks forward to the time when the NEA will be the most powerful force in America, with a vast political budget, electing and defeating candidates at every level. When that happy day arrives, "we will need to recognize that the so-called 'basic skills,' which currently represent nearly the total effort in elementary schools, will be taught in one-quarter of the school day," she says. "The remaining time will be devoted to what is truly fundamental and basic."

What does President Barrett mean by these phrases? Why, she advocates a "problem-oriented curriculum," which would instill correct opinions about "war, peace, race, the economy, population, the environment"—in short, the most controversial issues. If parents should disagree with the triumphant NEA—well, it would be somewhat tardy for them to disagree, power already having passed to a union monopoly. If professors and teachers should dissent from Mrs. Barrett and her colleagues, who control the NEA's costly propaganda-apparatus—why, perhaps they can find jobs in some other line of endeavor.

The system of public instruction would be captive to ideology. At best, this would be an ideology of "ritualistic liberalism," alien to the beliefs of most Americans; pos-

sibly it would be a thoroughly radical ideology. If one would control a nation totally, first obtain thorough control over the schools.

In a few states, already compulsory unionization grips public instruction. In most states, unionization has moved from the schools upward into many community colleges, and from them into some state colleges and universities. If teachers and professors will not join these unions, still they must submit to having the union nominally bargain for them, fixing the terms of their employment. Teachers' unions aspire to the concept of the union hiring-hall; that is school boards would be compelled to obtain all their teachers through a teachers'-union screening process.

Early in July 1970, the president of the National Education Association declared publicly, at San Francisco, that within a decade the NEA would be the most powerful group in America, with an annual budget of a billion dollars. "The world has never seen an organization of this magnitude," he said. By the end of the Seventies, he continued, the President of the United States would kowtow to the NEA, which then "will control the qualifications for entrance into the profession and for the privilege of remaining in the profession." One detects here what the NEA thinks of the doctrine of academic freedom.

On a local level, here and there, individual teachers or relatively small teachers' associations have endeavored to resist the push toward total power by NEA and AFT. These friends of educational freedom have fared well enough in state courts, often, but less well in state legislatures. This summer the powerful teachers'-union lobby, amply supplied with money to contribute to legislators' "campaign funds," jammed through Michigan's legislature an act authorizing the agency shop for teachers and other public employees. This undid a decision of Michigan's Supreme Court (in which even Justice G. Mennen Williams had concurred) that had found the agency shop in violation of Michigan statutes. Governor William Milliken was too much afraid of the teachers' union lobby to veto the act.

On a national scale, nevertheless, teachers who oppose the power lust of the NEA and the AFT have organized their resistance. On August 16, in Denver, there was held the first national convention of the new National Association of Professional Educators, and your servant addressed NAPE's General Assembly. Those interested in NAPE's stand can write to the National Association of Professional Educators, 223 Thousand Oaks Boulevard (Suite 425), Thousand Oaks, California. They need all the members they can attract; their object is not to obtain power, but to restrain power.

#### WASHINGTON REPORT

#### HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, under leave to revise and extend my remarks I submit for the RECORD my September newsletter, Washington Report:

#### WASHINGTON REPORT

(By William E. Minshall)

After a long hot summer, things are cooling off in Washington . . . Subdued by reaction of their Watergate-weary constituents, Members of Congress came back from the August recess in a less rancorous mood. Awaiting them was a more open, approachable White House and a firm but conciliatory

President Nixon. "There can be no monopoly of wisdom on either end of Pennsylvania Avenue," he told the returning Congress, "and there can be no monopoly of power." . . . The new rapprochement does not mean an end to sharp clashes over national issues, rather that lines of communication are once again open. Nor does it indicate that Watergate is water over the dam, though it does signal growing sentiment on all sides that this matter now should be turned over to the courts. Leaders of both political parties on Capitol Hill welcome this healthy change of atmosphere as vital to our Nation's best interests.

Getting on with the people's business . . . Symbolic of this return to normalcy, the President early this month took the unusual step of submitting a second "State of the Union" message, reiterating and updating national needs and proposed solutions: *The Economy*—Of top concern to everyone. The Administration expects Phase IV to slow inflation, is taking measures to assure that food supplies keep up with demand, and has placed Federal Reserve controls on the flow of money. Now Congress is asked to avoid inflationary deficit spending by staying within the \$268.7 billion budget. As always, my votes are cast for economy, but if Congressional spenders have their way American taxpayers could receive a bill for more than \$7 billion. The President also recommended tax reform, including property tax relief for older Americans. An additional economy-building tool urged by the Chief Executive is the Trade Reform Act, now being readied for House action by the Ways and Means Committee, to give greater flexibility to the President to use trade policy to fight inflation and correct our balance of payments.

Energy—Four bills still in Congress which the President describes as of "utmost urgency and must be acted upon before the end of the year" are the Alaskan pipeline, now in conference . . . construction of East Coast deep-water ports to handle petroleum super-tankers . . . de-regulation of natural gas to encourage expanded supplies . . . new standards for surface coal mining safeguarded by rigid land restoration requirements . . . National Defense—Declaring the U.S. is "already at the razor's edge in defense spending," the President warned he would veto any bill containing cuts that imperil national security. My Defense Appropriations Subcommittee is walking that razor's edge carefully, mindful that prudent reductions can be made which will not jeopardize America's strength. The President's objections are to meat-axe slashes which could destroy our chances of reaching a multilateral agreement with Warsaw Pact nations on reduction of troop levels in Europe, as well as imperil negotiations for further mutual arms limitations.

Other key issues pinpointed by the President for prompt Congressional action—complete updating of the Federal Criminal Code, the first sweeping revision since 1790 . . . restoration of the death penalty for certain high crimes . . . Private pension reform to protect employees' investments and their rights to benefits . . . extension of vocational rehabilitation with improved training programs for the handicapped . . . Education revenue sharing to replace the present fragmented, narrow and rigid programs of grants to elementary and secondary schools . . . Environmental programs encompassing national land use policy; new standards for determining possible hazards of industrial chemicals and a new program to protect the purity of the nation's drinking water.

Home improvements—It's good to report my success in securing some highly visible local returns on your tax money for you. I was instrumental in gaining a \$200,000 appropriation for Cleveland Harbor this summer . . . My request to the Administration



for another Federal office building in Cleveland has been given the green light for consideration in next year's building program. Benefits will be threefold: a boost for our construction industry, consolidation of agencies now scattered throughout the area, and, within 5 years, savings to taxpayers of some \$1.7 million annually on rented space . . . Earlier this year I obtained funds for Parma for a public recreation area at the NIKE site I secured for that city in 1971 and am now working on funds for a recreational park at the NIKE site I obtained last year for Rocky River, Fairview Park and Westlake.

Calling all artists. Deadlines for Interior Department's annual Duck Stamp Design Contest is November 15th. Rules may be obtained by writing the Office of Public Affairs, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

#### POLITICAL PRISONERS IN SOUTH VIETNAM

#### HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 20, 1973

Mr. HAWKINS. Mr. Speaker, there have been many estimates of the number of political prisoners in South Vietnam. It is difficult to verify the exact number of people imprisoned for reasons of conscience because neither the press nor Congress is given access to the prisons. Documents smuggled out of Vietnam make it clear that it is a considerable number. It is a violation of the Paris peace agreement. And, financing the arrest of these people and their imprisonment is a misuse of our tax money. There are things that the Congress of the United States can and should do to stop this immoral waste of American money and prestige.

In Vietnam, a committee headed by a respected Catholic priest called the Committee to Improve the Prison System estimates that there are 200,000 political prisoners of the Thieu regime. They base their estimates on prison-by-prison figures that they have received from inmates, guards, and Ministry of Interior officials.

Amnesty International estimates that there are at least 100,000 political prisoners in South Vietnam.

The U.S. Department of State also agrees that there are political prisoners in South Vietnam—but will acknowledge only 500 to 1,000 noncommunist political prisoners. They also admit that mistreatment occurs.

It is important for those of us entrusted with the expenditure of U.S. taxpayers' funds to study the evidence presented here carefully. Do we want to ask Americans to pay \$20 million in direct support of a police and prison system that jails large numbers of religious leaders, students, and workers? Do we want to ask the U.S. public to provide \$2.5 billion in support of an administration such as Thieu's that does these things to its own people?

American aid is not getting to those who need it most. U.S. money is helping to make the rich, wealthier—as the poor sink deeper into poverty. I saw this when I was in Vietnam in 1970. News

reports from there confirm that it is still true.

When I went to Vietnam 3 years ago with Congressman William Anderson to find out what was happening to U.S. money, I was appalled by the political repression. This is what I said to my colleagues in Congress then about the tiger cages of Con Son:

The Tiger Cages are cells approximately five feet wide and ten feet long. Five persons are crowded into this space surrounded by cement walls and floors on which inmates sleep. About a foot off the floor is an iron rod to which the legs of the inmates are shackled. Lying in this position for years causes a paralysis of the legs.

Occupants are fed a small portion of rice and few dried fish, often molded, and always an inadequate amount of water which forces the prisoners through exhaustion to drink their urine.

At the top of the cages are kept boxes of lime which is sprinkled into the cages to quiet any noise or disturbance. More often, however, those who protest against their treatment are beaten by trustees who thereby earn special privileges.

In opposition to prison officials, we walked the walkway atop the cages to interview various prisoners. Among them were several students, a Buddhist monk, and an elderly woman 60 years of age who was blinded from beatings. None we interviewed had criminal records but generally had been imprisoned, often without judicial trial, merely for participating in peace demonstrations. Although many were sick, medical care was practically non-existent. The only merciful thing observed was a separation of men and women.

Because of the international protests and the concern expressed by Congress, the 60-year-old woman was released.

The Buddhist monk that I talked to has since died as a result of mistreatment in jail. The high school girl who spoke excellent English and talked directly with us, is still in prison—paralyzed and suffering from tuberculosis.

After our visit to the prison island, the Saigon Government said it was going to do away with the tiger cages. Then they ordered the prisoners to build new ones. The political prisoners refused to build their own tiger cages and were put back in shackles. Then the U.S. Department of Navy gave a \$400,000 contract to an American company to build new ones. These new cells, called "isolation cells," are 2 feet smaller than the former tiger cages. The few people released from them are paralyzed.

I urge every congressional office to do everything in their power to end all aid to the Thieu regime until the torture stops and the political prisoners released. The shackling, torture, and massive arrests are a mockery of democracy, a waste of our money, and a deep human tragedy.

This week is a special week of concern about Vietnam's political prisoners. There will be religious services in churches and temples all over the country this weekend. I urge each Member to support these activities.

I urge President Nixon to review American priorities. We should not support repressive dictators abroad when we are not meeting our own housing, medical, and educational needs.

Thousands of people are locked up, ill-fed, and often tortured. The U.S. Con-

gress can refuse to pay the bill for this and we should refuse.

#### THE NONCOMMISSIONED OFFICERS ASSOCIATION

#### HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 20, 1973

Mr. DOWNING. Mr. Speaker, September 21, 1973, marks the 13th anniversary of the Noncommissioned Officers Association of the United States of America (NCOA), the largest career-enlisted, quasimilitary association in the United States.

Conceived in 1960 by a small group of noncommissioned officers in San Antonio, Tex., the association was dedicated to the task of bringing large numbers of noncommissioned and petty officers together for a common goal—legislative and economic recognition, and enhancement of the image of the professional enlisted member.

In its 13 years the association has grown to an international recognized fraternity, worldwide in scope, and with a prospect of an unlimited future.

Its membership is nearing the 150,000 mark and represents noncommissioned and petty officers of the Army, Marine Corps, Navy, Air Force, and Coast Guard. Although the majority is serving on active duty at this time, there are increasing numbers of military retirees, Reservists, National Guardsmen, and veterans joining this "association in motion."

And the NCOA is in motion. In its youthful existence, it has already asserted itself as a strong legislative group, and the benefits and services it provides to and for its membership are second to none. Yet it continues to initiate and offer more benefits and services for its members. It is truly representative of its creed.

It is with the conception and full understanding that many things of great need and importance can be accomplished in unity and cooperation, but otherwise impossible, that the Members of the Noncommissioned Officers Association of the United States of America have agreed to join their efforts and strength to work together for the well being of the individual, the group, and for the greatest benefit of our beloved Nation.

Through the NCOA, noncommissioned and petty officers are beginning to take a new look at their position in the military and the local community. There is a new pride in those hard-earned stripes that adorn their sleeves. They are realizing that civic awareness can be an asset to the base or civilian community in which they live. They have built orphanages, blood banks and clinics, have assisted in disasters, worked with retarded children and youth groups, conducted traffic and drug safety programs, urged their friends and neighbors to vote, and have assisted and aided military commanders and civic officials in numerous ways.

Communities around the world have

felt the impact of NCOA chapters, some 350-plus, where members have combined their efforts to create a fresh, new climate of social, patriotic and benevolent attitudes.

The NCOA and its active membership is forming a concerted group effort toward attaining specific objectives that will serve to build fellowship, pride and well-being among its members, and to protect and provide for that important element of our American society—the career-enlisted member of the U.S. Armed Services and his or her family.

As an honorary member of this great and viable organization, I am privileged to wish my association—the NCOA—the happiest of birthdays. May it grow stronger and continue to assist its members for many, many years to come.

#### BROADCASTING NATURALIZATION CEREMONIES

### HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. FISH. Mr. Speaker, 5 years ago, Mr. Harry M. Thayer, chairman of Hudson-Westchester Radio, Inc., instituted a unique type of program on radio station WGHQ in Kingston, N.Y. He decided that the naturalization ceremonies held periodically at the county supreme court in Kingston should be broadcast. As a result, radio listeners in the Kingston area have been afforded the opportunity of taking part in a ceremony that represents a highly cherished moment in the lives of countless individuals.

Prior to and immediately following the actual ceremony, Mr. Thayer conducts interviews with the newly naturalized citizens who are asked to convey to the listeners their thoughts and feelings on this very important occasion. The ceremony itself is a moving one, and includes the presentation of the color guard by the Women's Auxiliary of the VFW.

I believe that Harry Thayer is to be commended for his initiative in this area of broadcasting which has resulted in several broadcasting awards for WGHQ. At this point in the Record, I would like to insert the text of an article which appeared in the September issue of "Beam International," a newsletter that serves broadcasters around the world. The article highlights these novel broadcasts as well as Harry Thayer's efforts to persuade radio stations around the country to follow his lead.

WGHQ RADIO AIRS NATURALIZATION EVENTS AS EMIGRANTS ELECT TO BECOME VOTERS

Citizenship is not something to be taken lightly. And a regular re-evaluation of what it means tends to make the take-America-for-granted type of citizen sit down and count his blessings—income tax and all.

"About five years ago, WGHQ Radio realized that the naturalization ceremonies held every three or four months at the county supreme court here in Kingston, N.Y., are outstanding, and the program is very moving," said Tony Bell, the station's general manager.

"So, Harry M. Thayer, chairman of the Hudson-Westchester Radio, Inc., which operates this station, decided that we should broadcast the ceremonies live.

"You need permission each time from the county clerks and the judge to broadcast from the courtroom. We set up microphones at the judge's bench, the clerk's desk, on the floor where the attorneys petition for citizenship, and at the lawyer's table so we can describe for our listeners what's going on.

"WGHQ goes on the air about 10 minutes before court opens. Thayer talks to the people who're to become citizens, asking where they're from, how long they've been here, why they want to be citizens, how they find things in this country.

"It's moving to hear new citizens reciting an oath of allegiance to this country, forswearing the land of their birth for this one, promising to bear arms for this country if necessary," Bell said.

"Our listeners hear the examining attorney's comments, the judge grant citizenship, and what the judge says as he addresses these people.

Part of the swearing-in ceremony includes a color guard, presented by the Women's Auxiliary of the VFW; patriotic songs from the a cappella choir of a nearby high school, and a Boy Scout group playing for the retirement of colors.

"The county sheriff gives new citizens a red carnation (instead of tickets) and the court adjourns," said Bell. "Then Thayer talks with the rest of the new citizens, asking how they plan to celebrate, what this means to them and how they feel about it."

Bell continued, "An exciting thing about the program, which we began as a public service, is that it is now sponsored by a local bank. Would you believe the Heritage Savings Bank?"

Bank representatives attending the naturalization ceremony give each new voter parchments containing the Declaration of Independence, the Bill of Rights, and the Constitution.

"As far as we know, we are the only station broadcasting such ceremonies," said Thayer. "I think it's really a good idea that other stations in other areas of the country might adopt and adapt to their programming format.

For its efforts, WGHQ has won two honorable mentions from the Freedoms Foundation of America at Valley Forge, Pa., and the 1970 New York State Broadcasting Association's Elliot Stewart award for public service broadcasting.

#### HE'S DONE IT NOW

### HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. DAN DANIEL. Mr. Speaker, on Tuesday, September 18, the News of Lynchburg, Va., carried a very intriguing editorial entitled "He's Done It Now".

The editorial impressed me and I would like to commend it to the reading of the Members of the House.

I believe the editorial speaks for itself and does not need any elaboration from me.

The editorial follows:

#### HE'S DONE IT NOW

Alexander Solzhenitsyn, you've gone and done it now.

You think you were in trouble for criticizing the repressive policies of the Communists in your native Russia? Wait until the American press, American liberals and the American Congress get through with you for daring to expose them as "affected loud-mouths," liars and hypocrites! Why, with one letter to the editor of a Norway newspaper you have made more enemies, man, than Spiro

Agnew and his speech-writers in years of trying . . .

All the same that was a lovely letter you wrote this week to the *Aftenposten* in Oslo. In it, you accused the Democratic Party leaders of being affected, loud-mouthed and hypocritical; flayed Ramsey Clark as a "little, fluttering butterfly" dupe of the North Vietnamese Reds, and exposed both the press and the Congress for ignoring the "proven, bestial massacres" in Hue by the Viet Cong and North Vietnamese Communists, and immediately forgiving them. (While going to great lengths to condemn the United States military for an isolated incident at My Lai.)

Ah, yes, you've gone and done it now. What's more, you've not only smarted them, you've put them in the humiliating position of having to swallow their patronage of you.

American liberals were using you and your opposition to Communist repression as an example that Russian citizens could criticize their Communist masters and get away with it. Or at least, remain alive. This was, in their opinion, supposed to demonstrate that the Kremlin bosses were softening; that they and the American system of government were growing closer together. (They don't realize, or do they?, how right they are).

You may be one of the world's greatest living writers, but you're through. No liberal is going to touch you now. You'll find the big newspapers and magazines and publishing houses closed to you, the television networks silent about you. From now on, you'll be a non-person. You have dared expose the reality of American liberalism, per se, American liberals individually, and American political life.

Nor is it going to help any that most of what you said is true enough, and there's general agreement in the country on it. We know Watergate has been "distorted" and is being used to try and bring down a government elected overwhelmingly only last November by the people. The party that lost that election so resoundingly is now attempting to subvert the will of the people and force the President out of office or render him incapable of governing by making a mountain out of a molehill.

The press is handmaiden of the same liberal master, and cannot be counted upon to expose anything critical or scandalous involving liberals if it can be avoided. It won't go to great lengths to dig anything up on them as it did about the bungled break-in of the Democratic Party headquarters in Watergate. The press, per se, never would tell the world the true extent of the massacres at Hue—but it published billions of words concerning a tiny example of what happened at Hue—when committed by an American squad at My Lai . . .

When the press serves an ideological master it is obviously not free—and you made that clear.

It will be interesting to see how your targets go about undermining you. They know all the tricks, having invented most of them. Your novels, the greatest yesterday, won't be so hot tomorrow, and you will be suspected of trying to resurrect the cold war, or worse, trying to warn the American people of the dangers of Soviet "detente." You'll be a nasty, old dissident, blamed, probably for "forcing" the Soviet masters to deport or murder Russian freethinkers like you.

All in all, one wonders if you realize that the Democratic Party, and its ideological partners in the press, are the American counterparts of the Communist clique ruling Russia . . . ? The Democrats haven't gone as far left as yet, but they're working on it . . . they would have gone further but they are fearful the people might rebel at too much Socialism too soon. The last Presidential election proved that correct.

In Washington the Democrats have ruled for 40 years or more. In all that time, they haven't come up with a new idea since the



1930 depression brought them to power. Their idea of change is to amend an old, discredited liberal program. They're still proposing variation of the New Deal, which was a failure from the start. Listen to them: you'll hear an endless paean in defense of the status quo—their status quo.

And so it is with the Communists in Moscow. They are in an analogous position. They refuse to change anything, too, even when it's a proven failure. They are the status quo.

You are a true liberal, Mr. Solzhenitsyn, rebelling against entrenched privilege. But when liberals regard the status quo as liberal, what does that make the rebel? Liberals obviously can't rebel against themselves, so, ipso facto, you must be a right winger . . .

Perhaps they may one day awaken to or admit the obvious: that the rebels of this world are rebelling against liberal-controlled power structures. That should tell them something, but don't count on it. Liberals seldom look in the mirror for their own mistakes.

## THE GASOLINE SHORTAGE IN AMERICA: A NEED TO RETURN TO A FREE MARKET SYSTEM—PART I

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. KEMP. Mr. Speaker, Steve Townsend of Buffalo, N.Y., served as one of my congressional interns this summer. His contributions to me and my staff were invaluable. Talented, intelligent Steve provided a fountain of research, information, and analysis in the whole field of U.S. energy policy.

Perhaps the most definitive and useful piece of research Steve Townsend prepared was a legal presentation entitled "The Gasoline Shortage in America: A Need To Return to a Free Market System." The wealth of information assimilated, the information derived, and the conclusions drawn I recommend unreservedly to my colleagues.

Steve Townsend has embarked on his third and final year at the University of Buffalo Law School. The first part of his paper follows:

### THE GASOLINE SHORTAGE IN AMERICA: A NEED TO RETURN TO A FREE MARKET SYSTEM

(By Steve Townsend)

#### I. INTRODUCTION

During the last half century, America's complicated petroleum industry has undergone simple modifications which have had disproportionately large effects. Throughout this period, the Federal Trade Commission (FTC) has examined trade matters and business practices within the industry, holding formal investigations whenever complaints were filed with members of Congress, government agencies, state and local officials, independent gasoline refiners, or major and independent markets.<sup>1</sup> Although it was the government's intent to deter abuses and promote a free market system, it consistently failed to enunciate a definitive national energy policy which would prevent unmediated waste of the country's sources of energy.<sup>2</sup>

As early as the 1930's, indications of impending shortages were recognized by fuel experts.<sup>3</sup> However, because the problem lacked immediacy and because formal complaints by injured parties were absent, policy makers disregarded the initial warnings of energy experts and considered subsequent admonishments as misinformation.<sup>4</sup> In short,

America exacerbated its ravenous consumption of fossil fuels, through its own inattention.<sup>5</sup> The problem is now patently obvious even to those who previously rebuffed the warnings.<sup>6</sup> No longer can they luxuriate in the delusion of an unlimited fossil fuel supply. At this juncture the gravity of this situation mandates immediate attention from American policy makers in order to avert the tragedies that would inevitably accompany a fuel shortage.<sup>7</sup>

This article will not attempt to delve into all ramifications of the energy crisis, but will be limited to a general analysis of the composition of the energy situation in the United States, and, more specifically, the causes and proposed remedies of the gasoline shortage.

#### II. BACKGROUND

The short-term problem of gasoline shortages represents a harbinger of the future. It has been conservatively estimated that unless the disparity between gasoline supply and demand is diminished, an irreversible crisis will result.<sup>8</sup> In order to avoid such a disaster and to ascertain a viable means of stemming the current trend, it is imperative to be cognizant of the composition of the energy situation in America.

Throughout the economic development of the United States, misuse of energy sources has been a consequence of the erroneous syllogism that the United States has an unlimited supply of natural resources, that oil and gas are natural resources, and therefore, that oil and gas are in an unlimited supply.<sup>9</sup> For example, the American people currently represent 6% of the world's total population, yet are annually accountable for the consumption of a disproportionate one-third of its energy.<sup>10</sup> The sequel to this misconception has been the government's response of regulating and restricting prices, effectively expediting consumption and concurrently dissuading investment into research and development of alternate sources of energy.<sup>11</sup> Thus, energy has been consumed in prodigious quantities at artificially regulated prices which fail to accurately reflect the free market cost of the product.<sup>12</sup>

The shortage of petroleum represents the culmination of an interrelated series of economic and political factors that have distorted the free market system.<sup>13</sup> At one time, several facets of the American economy (e.g., heating fuel for factories, electrical utilities in homes; and railroad transportation) relied heavily on coal as their primary source of energy.<sup>14</sup> With the advent of the diesel engine and consequential demise of the steam engine, the necessity for coal in the economy decreased significantly.<sup>15</sup> The most recent demands for convenient operations and regulations requiring cleaner fuel to reduce environmental contamination have turned those economic sectors from the use of coal toward a reliance on the more convenient and cleaner fuels of oil and natural gas.<sup>16</sup> With a mass exodus of its markets, the industry experienced a loss of capital funds designated for research and development of new sources of coal.<sup>17</sup>

Some political interest groups argue that one disruptive factor in the free market system was the government instituted program called "wellhead" pricing.<sup>18</sup> By providing a more efficient, less expensive fuel supply, the government and oil interests have cultivated competition with the coal market, thus, reflecting political motivation and not that of free market.<sup>19</sup> The result has been to severely restrict the industry's ability and incentive to generate capital funds to invest in research and development.<sup>20</sup> The effect on sources of energy has been equally devastating. During "wellhead" pricing of natural gas, the supply was not regulated.<sup>21</sup> Consequently, the need and thereby the incentive to cultivate new supplies of coal and oil, have been indirectly diminished. That is,

the amount of oil and gas produced relates directly to the amount of the estimated profit;<sup>22</sup> if the estimate is low, as it currently is, then the appropriations for research and development will be commensurately low.<sup>23</sup> In brief, the price controlling policy has constricted the normal supply and demand processes, resulting in a static market which is unresponsive to free market fluctuations. This policy will eventually destroy the resiliency of the entire system and exhaust the very source of energy.

The effect of the decline of coal has also exerted an unnatural stress on the natural gas sources.<sup>24</sup> Its depletion has turned those markets which previously relied on natural gas to oil.<sup>25</sup> Now, as in the coal industry, there is a research and development problem. However, here it is not the absence of investment funds that is problematic, but rather the lack of a guaranteed recovery.<sup>26</sup> Thus, economic and political policies having fostered the depletion of natural gas supplies and the exhaustion of capital funds for coal, an added reliance on oil has developed.<sup>27</sup>

#### III. SOURCES

Although the future does not appear optimistic there are other sources of energy which should mitigate the effects of a fuel shortage. The most viable of these alternatives appears to be nuclear power as its expected growth is 659.5% of its present capacity.<sup>28</sup> However, this is a source of the future since construction of the requisite facilities sufficient to alleviate the current gasoline shortage would require 10-15 years.<sup>29</sup>

There are other more esoteric sources of energy which will eventually lessen the burden on oil, but like nuclear power, will be effective in the future. For example, geothermal energy promises an abundant source of clean, safe, natural energy produced from underground hot water and steam.<sup>30</sup> As Russia, Japan and New Zealand are actually experiencing,<sup>31</sup> its greatest potential in the United States lies in the area of electricity.<sup>32</sup> Though hot springs are prevalent only in the Western states, their absence in other areas will not necessarily prevent the exploitation of this valuable energy source, as subterranean drilling to a depth of one mile will produce results equivalent to the hot springs.<sup>33</sup>

Also prominent among the alternatives to oil is the use of solar energy.<sup>34</sup> The harnessing of the sun's energy has been implemented in the space program for a dozen years and can feasibly be adapted to production of electricity.<sup>35</sup> However, this source's potential for large scale use is lessened by the 10-15 years required to construct the facilities.<sup>36</sup> In an attempt to combat this time factor the President has appointed a commission from the Office of Science and Technology which has concluded that it is possible by concentrated effort to reduce the time factor to 5-8 years.<sup>37</sup>

These examples are not intended to be exhaustive, nor constitute a panacea for the short-term problems of gasoline shortage. They are limited to represent feasible channels through which other sources of energy can be tapped to alleviate this country's unhealthy economic dependency on oil and its return to self-sufficiency in sources of energy.

#### IV. MARKETS

Pressure has also been exerted on America's free market system by changes within the energy market. The most noticeable of these changes has been its quantitative change in the amount of energy consumed by the electrical market and in the general increase in the demand of the entire market.<sup>38</sup> The electrical utilities market, which relies on all sources, is estimated to surpass the industrial market, which relies primarily on oil, as the nation's major consumer of energy.<sup>39</sup> The overall increased demand, com-

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plemented by the depletion of natural gas and the de-emphasis on coal, will result in a continually expanding reliance on oil.<sup>40</sup> In fact, even with the changes in the markets, it is estimated that the demand for oil will double. This estimate is predicated on the versatility of the fuel, and the fact that it is "virtually the only source that can serve the transportation market's needs."<sup>41</sup>

The general increase in the demand for oil has been a response to those "evolving factors" within the transportation market.<sup>42</sup> For example, the growth and location of early cities were to a certain extent determined by their accessibility to navigable waterways.<sup>43</sup> The exchange of industrial products manufactured in urban areas for agricultural goods produced in rural areas was dependent upon available navigational facilities. After the arrival of the railroads, reliance on water transportation diminished,<sup>44</sup> and secondary markets developed adjacent to railroads.<sup>45</sup> Today, the technology advancements in the transportation field (cars, trucks, buses, aircraft) have enhanced the economic maturation of nearly all areas in the United States.<sup>46</sup> For example, America's current reliance on the family automobile is unparalleled, as four-fifths of the nation's households own at least one auto.<sup>47</sup> The reliance on the car and the number of them on American highways is expected to increase in a direct proportion to the population.<sup>48</sup> Due to such additional factors as air pollution devices, the ineffectiveness of car pools and mass transportation, the concentration of licensed drivers, the inefficiency of the engine will increase and a substantial increase in the individual's consumption of fuel will result.<sup>49</sup>

In terms of the overall consumption of fuel within the transportation market, privately owned automobiles are accountable for more than half the energy consumed.<sup>50</sup> The addition of trucks and buses (viz., 22%)<sup>51</sup> increase the overall consumption to three-fourths of the total amount.<sup>52</sup> It follows that the increased population and limited dispersal will also require additional fuel.

Other consumers of gas and oil will also increase their demand and requirements for fuel. For instance, although by 1985 automobiles' demand will substantially increase by 72.7% and buses by 53.1%, aircrafts' demand will increase by an estimated 137%.<sup>53</sup> Since the transportation market has developed beyond the basic forms of transportation (e.g., agriculture, and "off-road" vehicles, ships and boats, and railroads) it logically follows that those outmoded means of transportation will in the future consume progressively less amounts of fuel energy.<sup>54</sup> Similarly, the sectors of added reliance (autos, trucks, buses, and aircraft) will increase their demands for fuel.

#### V. CAUSES OF THE GASOLINE SHORTAGE

Having briefly examined the sources and markets of American energy, we turn to the causes and solutions of the current gasoline shortage. The shortage is a complex product of insufficient oil refineries, technical advancements in the transportation market, and the population growth. The solution of these problems and the alleviation of the disparity in gasoline supply and demand lies in a reversion to a free market system.

Authorities have consistently stated that there is an insufficient refining capacity and frequently ascribe the cause to the confrontation between industrialists and environmentalists.<sup>55</sup> On the one hand, because oil refineries are generally producing at full capacity and have been repeatedly unsuccessful in their attempts to construct new refineries, it appears that the resolution of this conflict is favoring the latter. Environmentalists adduce two arguments to their crusade for environmental protection. The efforts of this public interest group have culminated in legislation by state and local

governments to terminate industry's environmental abuses.<sup>56</sup> The consensus of the environmentalists' argument against construction of refineries includes in whole or in part the following. During the refining process, oil is heated to extremely high temperatures and subsequently cooled by water. This water is usually discharged after it has absorbed the heat of the oil resulting in thermal pollution or combined with oil from occasional breaks in pipe causing direct water pollution. In both cases the effect is a disruption of the sensitive balance present in fresh water.<sup>57</sup> It is also argued that water leakage into the pipes is subsequently skimmed and discharged into fresh water.<sup>58</sup>

Environmentalists' arguments transgress the technical processes, stressing aesthetic. The average refinery requires approximately 1500-2000 acres of land for necessary buildings and storage tanks, which the local citizens find unsightly. The irritating noises emitting from pumps and noxious effluvia spewing from furnaces are equally offensive.<sup>59</sup>

These conditions once prevalent, generally no longer obtain. Due to public sentiment which has deterred construction, oil companies are increasingly cognizant of the need to protect the environment.<sup>60</sup> Consistent with this realization, they have begun renovating existing refineries and redesigning new ones. Refineries are now constructed in consideration of existing natural surroundings, displacing a minimum of the environment.<sup>61</sup> Precautions such as leakage warning systems and filters to reduce atmospheric contamination are now being implemented.<sup>62</sup> But, regardless of these efforts, their expansion has been continuously impeded by their lingering nefarious image.<sup>63</sup>

Elimination of this misconception will facilitate meeting our increased demands, and in so doing, expedite American self-sufficiency and simultaneously reducing our reliance on foreign imports. As the economic leader of the world, the United States has maintained its economic self-sufficiency until recently.<sup>64</sup> Because of the aforementioned problems which caused the 1972 deficit, our production has not been consistent with supply. Researchers estimated that sufficient quantities of oil exist within America to alter this situation, but the reduction will not occur without the redefining of priorities and a consequent program of government incentives, accompanied by the lessening of local opposition.<sup>65</sup>

On the other hand, the oil companies have been remiss in the construction of refineries. They have found the absence of tax inducements by Congress, and the curtailment of competition by the Federal Government's "wellhead" pricing to be prohibitive. The problems and expenses involved in locating refineries and purifying domestic crude, and the legislated environmental safeguards of local and state governments are not conducive to construction or renovation of refineries.<sup>66</sup> The formidable problems involved in building new refineries are evidenced by their small rate of construction.<sup>67</sup> Most significant to these is the capital cost of entering the refining industry. The expense of constructing an economically profitable refinery has been estimated at \$250 million, which very few companies within the market can singularly afford.<sup>68</sup> Oil majors, those oil companies who have facilities all along the production line (crude oil wells, pipelines, refineries, transportation, gasoline stations), indicate that in order to meet the expense of renovating existing refineries or altering those currently planned, a collective effort by several majors would be necessary to carry the financial burden.<sup>69</sup> But for the fear of monopolization and disruption of the free market system, antitrust legislation has been enacted to prevent such a possibility. Even though the facilities for protection are present, the control of America's crude oil and pipelines by majors is one of the very reasons

that oil independents are effectively barred from the refining industry.<sup>70</sup>

Thus, availability of oil to independent stations is dependent upon excess production and subject to the discretion of the controlling majors.<sup>71</sup> The adverse situations of the independents was theoretically enhanced by the President's abolition of oil import quotas, but its effect was actually minimal and may even encourage increased reliance on foreign crude.<sup>72</sup>

There are two other factors, automobiles and population, which are working in concert to increase the demand for gasoline. The significant parameters of the auto associated with gasoline consumption are primarily vehicle weight (as it requires more fuel to move a heavier mass)<sup>73</sup> and design (as it requires more energy to propel an aerodynamically unsound object).<sup>74</sup> There has been an increase in the weight of cars caused by the growth of "nameplate" weight and the addition of power and convenience accessories. "Nameplate" weight refers to the yearly increase in weight of a particular car model which goes unnoticed by the consumers who are under the impression they are purchasing more economical vehicles. For example, a 1958 Chevrolet Impala weighed 4,000 lbs. and got 12.1 miles per gallon, while a 1973 weighed 5500 lbs. and got 8.5 miles per gallon.<sup>75</sup> The latter figure includes such items as air conditioning, automatic transmission, power steering, power brakes, power seats, and heated windows.<sup>76</sup> Each accessory requires energy to perform its function, and also adds to the overall weight of the vehicle which increases fuel consumption. The major offenders of this group are air conditioning and automatic transmissions.<sup>77</sup> Testing completed by the Environmental Protection Agency (EPA) laboratories of full sized cars with and without air conditioning revealed a 9% loss of fuel economy and indicated that the loss could go as high as 20% depending on other conditions.<sup>78</sup> Although it is more difficult to quantify the effect of automatic transmission due to different models and number of gears, and the EPA did not pursue independent research of this accessory, General Motors conducted an experiment which indicated a 5-6% loss.<sup>79</sup>

It has been found that the emission control apparatus required on newer models in accordance with the Clean Air Act of 1970, has imposed an unconscionable demand upon car manufacturers and the public. The testing methods employed are now under careful scrutiny to determine whether the resulting requirements are prejudicial.<sup>80</sup> The public pays the expense of these questionably necessary controls in three different manners: 1) the cost of the equipment is added to the purchase price; 2) the emission apparatus requires more fuel; and 3) the addition to the body weight increase fuel consumption. Manufacturers carry the burden of designing efficient emission control apparatus as well as adapting the assembly lines to accommodate their manufacture and installation.

The contrary argument is that the attack on the clean air apparatus is unwarranted. Environmentalists contend that one way of measuring the effect of emission controls is a percent loss of gain and that the total effect can be determined by adding the separate effects of all the individual devices.<sup>81</sup> However, this is inaccurate and distorts the negative effect of the apparatus on gasoline mileage because there is a synergistic effect which renders the impact of subtracting or adding one emission control device inaccurate.<sup>82</sup> An alternate way of measuring the effect employs the complete system, which, though not precisely geared toward measuring the single emission control device, is more accurate than the single method described above.<sup>83</sup> In fact, the EPA concluded that the fuel economy loss is less than 8%,<sup>84</sup> which is comparable to the loss credited to air conditioning or automatic transmission. During 1973 the in-

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efficiency of emission apparatus is estimated to be 7%, but will decrease to 5% by 1976.<sup>55</sup> It is further contended that these systems are inefficient because car producers have not had ample time to devise and implement catalytic converters that do not produce a loss of fuel.<sup>56</sup>

In addition to these devices there are secondary factors which adversely effect gasoline mileage. For example, a "hard" driver, one who accelerates at the car's maximum speed, drives at high cruising speeds, drives roughly, and races the engine at an idle, will have lower mileage than a normal one.<sup>57</sup> Also, the route traveled can decrease mileage economy (i.e., smooth highway driving at moderate speeds produces better mileage than stop-and-go city driving).<sup>58</sup> Through studies it has been found that the most efficient rate of speed for favorable mileage is a constant speed between 20 mph and 50 mph.<sup>59</sup> More particularly, for every 5 mph increase between 50 mph and 70 mph there is a 1/2 mile per gallon loss of fuel efficiency, while below 20 mph there is correspondingly a fuel loss due to torque slippage.<sup>60</sup>

The growth of America's population has exacerbated the problem of fuel economy. By 1985, the estimated population for the United States will increase by 37 million.<sup>61</sup> In addition to the normally anticipated growth of gas commensurate with population growth, the increase in the 20-35 year old age group is expected to generate an exponential increase. This is the group that historically has determined contemporary market demands and the pace for economic growth.<sup>62</sup> If established patterns of population continue these people will migrate from the already over-populated cities to suburban areas,<sup>63</sup> requiring an estimated 21 million households,<sup>64</sup> and because homes require more energy than do apartments common to city dwellers, a significant fuel expenditure.<sup>65</sup> Further, the suburban living will necessitate an increase in the number of two-car families to meet their sub-rural demands.<sup>66</sup>

## FOOTNOTES

<sup>1</sup> Permanent Subcommittee on Small Business, 93rd Cong., 1st Sess., Energy Crisis and Small Business (Comm. Print 1973).

<sup>2</sup> Staff of Joint Comm. on Atomic Energy, 93rd Cong., 1st Sess., Certain Background Information for Consideration When Evaluating the "National Energy Dilemma" (Joint Comm. Print 1973); Interview with Jack Bridges, Non-nuclear Energy Counsel of the Joint Comm. on Atomic Energy, in Washington, D.C., June 6, 1973.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Supra* note 2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Supra* note 2.

<sup>9</sup> Public Hearings on Crude Oil and Product Allocation Program, 93rd Cong., 1st Sess., (1973) [hereinafter cited as Crude Oil Hearings]; 71 Oil and Gas Journal, 47-8, June 18, 1973.

<sup>10</sup> Crude Oil Hearings, *supra* note 9; see also, 3 Rldker, Ronald G., The Commission on Population Growth and the American Future Research Reports, Population Resources and the Environment [hereinafter cited as Comm. on Pop. Growth] 16-26, 1972.

<sup>11</sup> *Supra* note 2.

<sup>12</sup> Interview with Dr. Thomas F. Johnson, Dir. of Research of the American Enterprise Institute for Public Policy Research, in Washington, D.C., June 21, 1973.

<sup>13</sup> *Id.*; Interview with James McKie, Dean of the School of Economics at the University of Texas (at Austin), in Washington, D.C., July 23, 1973; Interview with Yale Brozen, Economics Prof. in the Graduate School of Business at the Univ. of Chicago, in Washington, D.C., July 19, 1973; Energy Economics Division of the Chase Manhattan Bank, Outlook for Energy in the United States to 1985,

46, June 1972 [hereinafter cited as Outlook for Energy].

<sup>14</sup> Outlook for Energy 46; see also, Comm. on Pop. Growth, *supra* note 10, at 107.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Outlook for Energy at 46.

<sup>18</sup> *Id.* at 38.

<sup>19</sup> *Supra* note 13.

<sup>20</sup> Outlook for Energy at 18.

<sup>21</sup> *Supra* note 2.

<sup>22</sup> *Supra* note 13 at 38.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*; 71 The Oil and Gas Journal, No. 27, 58-9, June 25, 1973.

<sup>26</sup> Interview with Bridges, *supra* note 2.

<sup>27</sup> *Id.*

<sup>28</sup> Outlook for Energy, *supra* note 13 at 30.

<sup>29</sup> 4 Batelle Research Outlook, Our Energy Supply and Its Future 18 (1st ed. 1972); *supra* note 13 at 48.

<sup>30</sup> Sen. M. Gravel, Dollars and Energy, Domestic and International Crises, July 20, 1973; see also, 119 Cong. Rec. No. 43, 5246-48 (daily ed. March 20, 1973).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*; see also, Interview with Robert Smith, Admin. Assist. to Cong. Steven D. Symms, in Washington, D.C. June 8, 1973.

<sup>33</sup> *Id.*

<sup>34</sup> Hearings on Energy before the Subcomm. on Energy of the Comm. on Science and Astronautics, 93rd Cong., 1st Sess., (1973).

<sup>35</sup> *Supra* note at 42.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Outlook for Energy 12-27; J. Darmstadter, Comm. on Pop. Growth 110-16.

<sup>39</sup> Outlook for Energy 17.

<sup>40</sup> Outlook for Energy, *supra* note 13, at 30; see also, 1 National Petroleum Council's Comm. on U.S. Energy Outlook—A Summary Report of the National Petroleum Council 4, Dec. 1972.

<sup>41</sup> Outlook for Energy 30.

<sup>42</sup> *Id.* at 12.

<sup>43</sup> *Id.* at 12-14.

<sup>44</sup> *Id.* at 12.

<sup>45</sup> *Id.* at 12-13.

<sup>46</sup> *Id.* at 14.

<sup>47</sup> *Id.* at 15.

<sup>48</sup> Interview with James Chamberlin, Asst. to Exec. Dir. of the Population Crisis Comm., in Washington, D.C., Aug. 2, 1973.

<sup>49</sup> Outlook for Energy 10; *supra* note 48.

<sup>50</sup> *Id.*

<sup>51</sup> Outlook for Energy 15.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 17.

<sup>54</sup> *Supra* note 48.

<sup>55</sup> *Supra* note 1, at 5.

<sup>56</sup> Interview with Eugene Peer, Industrial Specialist to the Office of Oil and Gas of the Department of the Interior, in Washington, D.C., June 20, 1973; see also, 71 The Oil and Gas Journal No. 21, 80, May 21, 1973.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Supra* note 2.

<sup>65</sup> Interview with Prof. Brozen, *supra* note 13.

<sup>66</sup> *Id.*

<sup>67</sup> *Supra* note 1, at 28.

<sup>68</sup> *Id.*; see also, 71 The Oil and Gas Journal No. 20, 48, May 14, 1973.

<sup>69</sup> *Supra* note 56.

<sup>70</sup> *Supra* note 1 at 29.

<sup>71</sup> *Supra* note 12.

<sup>72</sup> *Supra* note 1 at 28.

<sup>73</sup> United States Environmental Protection Agency Office of Air and Water Programs Mobile Source Pollution Control Program, Fuel Economy and Emission Control, 3, Nov. 1972.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* at 12.

<sup>76</sup> *Id.* at 4.

<sup>77</sup> *Id.* at 5.

<sup>78</sup> *Id.* at 11.

<sup>79</sup> *Id.* at 12.

<sup>80</sup> Interview with Prof. Brozen, *supra* note 13.

<sup>81</sup> *Supra* note 73 at 5-6.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 18.

<sup>85</sup> Interview with Richard Schisler, Cong. Liaison for Environmental Protection Agency, in Washington, D.C., July 18, 1973.

<sup>86</sup> *Id.*

<sup>87</sup> *Supra* note 73 at 3.

<sup>88</sup> *Id.* at 3-4.

<sup>89</sup> *Id.* at 3.

<sup>90</sup> *Supra* note 9.

<sup>91</sup> *Supra* note 48; Outlook for Energy 10; Comm. on Pop. Growth 19-27.

<sup>92</sup> Outlook for Energy 11; Comm. on Pop. Growth 37-40.

<sup>93</sup> Outlook for Energy 11; see also, Comm. on Pop. Growth 29-30.

<sup>94</sup> *Id.* at 15.

<sup>95</sup> *Supra* note 1.

<sup>96</sup> Outlook for Energy 15.

## A BAD PRECEDENT

## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, a potentially disastrous constitutional precedent was set recently by the President when he appointed Gen. Alexander Haig, Jr., to fill H. R. Haldeman's position, while Haig was on active duty status with the Army as Vice Chief of Staff. Today, General Haig is on the retired list and fulfills Haldeman's statutory duties at the White House. The imbroglio is over but not forgotten, because in the process, the precedent of a military man occupying a dual civilian role was established.

One Member of this House helped fight the establishment of that menacing precedent, seeking to safeguard the liberties some Americans take for granted. He wrote a permanent record of opposition to the Haig appointment on legal, constitutional grounds, maintaining that the oldest tradition we have is separation of the professional military from civilian policy functions. Our distinguished colleague, JOHN E. MOSS, of California, is that Member, and he deserves the gratitude of everyone in this land who cherishes individual rights and representative democracy.

A chronicle of his efforts has just appeared in one of the oldest and most respected magazines of liberal political comment in the country: The Nation. In its September 24, 1973, issue, the lead article, entitled "General Haig: A Lethal Precedent," by Franklin Silbey, covers this subject well. It deserves national attention, and I am pleased to insert it in the RECORD for the enlightenment of my colleagues.

GENERAL HAIG: A LETHAL PRECEDENT  
(By Franklin Silbey)

One portion of the Watergate fallout has established a little-noticed, but portentous warrant—that of allowing a professional soldier to remain on active-duty status while assuming a policy-making position on the President's personal staff. The man in question is Alexander Meigs Haig, Jr., by whose example the traditionally clearcut line di-

viding our career military from their civilian masters has been blurred beyond recognition, thus establishing an authoritarian precedent that no free country can dare to tolerate.

In retracing the evolution of this event, those concerned will note with minimal surprise that its genesis lies with President Nixon. When H. R. Haldeman resigned, Nixon turned to General Haig, appointing him on May 4, 1973, to assume Haldeman's duties. That post, established by statute, was then, and is today, a partisan political job, carrying with it significant *de facto* policy-making responsibility. The President's chief of staff is much more than a traffic policeman.

At the time of his new appointment Haig was the newly minted Vice Chief of Staff of the United States Army, a four-star rank he had very recently attained. His assignment originally was supposed to be temporary, but observers noted his already long association with the White House, dating from 1969, when he joined Kissinger's National Security Council staff as a colonel, to emerge four years later as the Army's second highest ranking officer. During those years a number of vital decisions involving the Army were made by the White House.

A recommendation made by former Deputy Secretary of Defense David Packard, widely endorsed throughout government, to reduce the stature and switch service responsibility for the Army's Southern Command at the Panama Canal Zone, was overruled by the White House. Attempts to separate the Corps of Engineers, which increasingly engages in environmentally controversial domestic construction, from the Army, were similarly overruled.

Haig's on-call White House status prevented him from spending much time as Army Vice Chief of Staff, causing widespread grumblings in professional Army circles. He had been tabbed early as the most politically skillful military man to emerge in many years, attaining staff position and four-star rank without ever commanding so much as a division. Further, his promotion to four-star rank was over the heads of 240 senior Army generals.

Announcing the appointment, press secretary Ziegler said: "General Haig will have the responsibility of . . . coordinating the flow of information in to the President . . ." adding, "a great portion of the work will be administrative, but he will also be involved in policy formulation."

Ziegler also said Haig would continue on the military payroll at his then present rank. When questioned that same day as to his status, Haig responded that, "yes," his new assignment was indeed a temporary one, and, "no," he would not be leaving the Army. As soon as Haig's appointment to the Haldeman spot was announced, Ralph Nader's Public Citizen, Inc., brought suit, claiming a violation of law.

That Haig was immediately placed in a sensitive political role apparently did not trouble the President, but a number of Capitol Hill critics voiced serious doubts and vigorous disagreement over the appointment. Among them were Rep. John E. Moss (D., Calif.) and Sen. Stuart Symington (D., Mo.). Both noted that Haldeman's post was historically viewed as a civilian position. Pentagon officials, when pressed, voiced their belief that the President's constitutional authority as Commander in Chief allowed him to employ Haig, at least temporarily, in such a pivotal role.

Moss and Symington responded with what to them appeared an inflexible legal prohibition against the appointment, contained in 10 U.S. Code, section 973 (b):

"Except as otherwise provided by law, no officer on the active duty list of the regular Army, regular Navy, regular Air Force, regular Marine Corps or regular Coast Guard may hold a civil office by appointment or election whether under the United States, a

territory or possession or a state. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment."

As alarm spread through concerned political circles across the ideological spectrum, formal requests were made of the Pentagon's chief legal officer to clarify the situation. The Pentagon's acting general counsel, Leonard Niederlehner, first served up the "Commander in Chief under the Constitution" argument, stressing that Haig had accepted no civil office. When that was buried under a barrage of legal counter-arguments, Niederlehner recovered swiftly, offering a number of precedents involving senior military officers who have, over the years, been detailed by Presidents to perform a wide range of White House duties.

These included Adm. Frank Leahy's service from 1942 to 1949, commencing as chief of staff to FDR; Maj. Gen. Wilton B. Persons' work as chief of White House staff under Eisenhower; Gen. Andrew Goodpaster, staff secretary to Eisenhower, and Gen. Maxwell Taylor's labors as military adviser to President Kennedy.

Responding to these citations, Congressional critics pointed out that Leahy was recalled in a military capacity to serve as chief of staff during a war, and that Persons and Taylor were on the retired list when they served the White House. Goodpaster worked solely on national security matters, but the point was made that his appointment was illegal on its face, and that offering it as an example was merely to compound illegality with respect to Haig. This disposition to cite invalid precedent is what makes the Haig situation so serious.

Research into the legislative history of 10 U.S. Code 973(b) revealed that the statute was intended to prevent just such an event as the Haig case. It originated in an Act of March 30, 1868, and was reaffirmed on July 15, 1870. An amendment was added in 1939, and the entire statute was recodified on August 10, 1956, when a similar provision was enacted with respect to the Air Force. Reports of the pertinent committees in both House and Senate stated: "The object of the new titles has been to restate existing law, not to make new law."

Representative Moss, author of the Freedom of Information Act, sought and found historical precedent, Presidential actions and pronouncements to buttress his position. In a House floor speech on June 11 he stated the case for banning the professional military from participation in partisan political activities of the White House:

"Constitutional rules are not to be shunted aside to provide for anyone's well-being. In the process, more violence is being done to honored principle while setting into semi-permanence one of the most perilous precedents confronting democratic government. One, I might add, which no democracy cherishing its status as such dares allow."

At that time, Haig had been enjoying dual status for one month. Moss noted that nowhere in the Constitution was there any provision for such action, pointing out instead that the document did not even contain a legally constituted or authorized channel of communication between the military and its civilian superiors. Under growing pressure, the White House announced that Haig would enter the retired ranks on August 1, and so he did.

But the very announcement of Haig's anticipated new status was an admission by the President that the general's dual role was inconsistent with and a violation of provisions of federal law. Here was an arbitrary assertion by the executive branch of a selective right to enforce those actions of a statute it found convenient, while evading enforcement of those it found inconvenient. Legality and the intent of the founders were adjourned.

Attention had also been called to original

debates on the statute in question in the Senate after the Civil War. In a highly prophetic statement, Sen. Lyman Trumbull of Illinois, a Republican and confidant of Lincoln, questioned the employment of former officers:

But the difficulty will be that if you allow officers upon the retired list to hold civil offices, the law will be evaded. Persons will be placed on the retired list for the purpose of giving them appointments. . . . I think that this government is a civil government. It should be administered by civilians. The Army is subject to the civil authorities of the country; and I do not believe in having the civil offices of the country administered by the military authorities.

Critics constantly referred to numerous references in our history, conclusively defining the American tradition of total exclusion of our professional military from the partisan political process. Among many examples cited was that of James Buchanan who, losing the Democratic nomination in 1852, attacked the Whig candidacy of Gen. Winfield Scott in these words: "What fatal effects would it not have on the discipline and efficiency of the Army to have aspirants for the Presidency among its principal officers? How many military cliques would be formed?"

Moss, in his speech, also recalled two precedents which he would later bring to the attention of Attorney General Richardson, to no avail. Both dealt with federal Attorneys General who had blocked similar appointments. In 1870, Gen. George G. Meade, commander of Union forces at Gettysburg and a widely honored soldier, was informed by Atty. Gen. A. T. Akerman that he could not even exercise the functions of park commissioner for the city of Philadelphia without vacating his military commission. The Attorney General noted that the office of park commissioner had been established by an act of the state legislature, which designated the mode of appointment, term of office and functions to be performed. Those were of a civil nature; hence the distinguished general was barred from the civil office. In 1873, federal Atty. Gen. E. R. Hoar ruled that General of the Army William T. Sherman could not hold the office of Secretary of War, even temporarily, without vacating his commission.

Other generals, unlike Haig, understood the principles involved, and did not allow themselves to be placed in partisan political positions. One was Gen. George C. Marshall, perhaps America's finest professional soldier of this century, who said, to squelch a political boomlet in 1947: "I will never be involved in political matters."

Woodrow Wilson wrote as follows to Secretary of War Lindley M. Garrison, in August 1914: "My dear Secretary, I write to suggest that you request and advise all officers of the service, whether active or retired, to refrain from public comment of any kind upon the military and political situation on the other side of the water. . . . It seems highly unwise and improper. . . ."

Contrast this with Haig's actions on the night of Wednesday, May 23. Appearing before the Fordham University Club at Washington's Mayflower Hotel, dressed in civilian clothes and in his capacity as the President's replacement for Haldeman, he delivered a speech of which, conveniently, the White House press office has no available copies. A few reporters covered the event. Following is the first paragraph of one story from the next morning's *Washington Post*:

"General Alexander Haig, the new chief of staff at the White House, ignored the problems that Watergate has created for the President last night and instead gave a detailed account of how the Nixon Doctrine can help solve the problems of the world."

That doctrine contains explosive geopolitical considerations. It asserts full support of previous alleged American commitments,



stating that external military assistance to an insurgency, as well as covert conventional attack, may lead to involvement of general purpose U.S. forces.

Compare Haig's unprecedented exhibition with President Lincoln's words to Gen. Joe Hooker, when appointing him to command the Army of the Potomac: "I also believe you do not mix politics with your profession, in which you are right." More recently, Secretary of Defense Robert McNamara made a similar point: "It is inappropriate for any member of the Defense Department to speak on the subject of foreign policy."

President Kennedy plowed the same furrow even more deeply in 1962:

"The United States military, due to one of the wisest actions of our constitutional founders, have been kept out of politics, and they continue their responsibilities, regardless of the changes of Administration. . . . There is no desire to restrain or prevent any military man from speaking. What we are concerned about, however, always is that they not be exploited for any partisan purpose. And I think, basically, it is for their own protection as well as for the protection of the country."

Yet there was Alexander Haig, four-star general on active duty, filling Haldeman's job and acting as political spokesman for the Administration while in civilian garb. Acting as a willing political tool of the President, he compromised our military establishment, violating its most honored tradition and establishing a menacing precedent.

Haig was also doing Nixon's bidding in other ways. According to two separate reports, one by columnist Joseph Kraft in a *Washington Post* column of May 29; the other by John Osborne, in *The New Republic's* June 9th issue, Haig was performing an unusual press function. It involved urging upon certain reporters and commentators a view that domestic surveillance, wiretapping and related measures the President had confessed to instituting in 1969 were unrelated to Watergate crimes in which such activities had become enmeshed. In these press contacts, Haig is alleged to have justified such activities in the name of national security. His performance therefore already makes him by definition both participant in and abettor of the President's transparent effort to offer national security as an excuse for unprecedented executive-branch lawbreaking.

Yet another intriguing insight into how Haig sought to fulfill his responsibilities was offered by an item in a *New York Times* piece of May 29 by John Herbers. It contained the following curious note: "General Alexander Haig, Jr., the new Chief of Staff on an interim basis, is running the staff with military assistants. . . ."

Capitol Hill critics, after much probing, revealed that Haig had brought at least two professional Army officers with him to the Executive Mansion, both being on active duty throughout their stay there. One, since returned to the Pentagon after his cover was blown, is Lieut. Col. Frederick Brown. The other, who, in mufti, remains at the White House as of this writing, is Maj. George Joulwan.

In early June, Moss addressed a query to Elmer Staats, Comptroller General and head of the General Accounting Office, the chief investigative agency of the Congress. Setting forth all known facts, he asked Staats for a finding on a series of specific questions, all dealing directly with Haig's status. These included the following:

Is he at present a civil officer of government or is he a military officer?

Is he still chargeable to the Pentagon's budget?

In event of misconduct, would he be answerable to military or civil law?

Who is now Vice Chief of Staff of the U.S. Army, or who is acting in that capacity?

Is Haig exercising the functions of a civil officer or not?

On June 15, the Comptroller General re-

plied, indicating that Haig was a four-star general at the time, holding the post of Vice Chief of Staff of the Army. Staats claimed Haig was subject to the Uniform Code of Military Justice, not to civil law, and noted that Haig was chargeable to the Pentagon budget.

That same letter conceded the Congressman's ultimate point regarding civil status. Quoting Ziegler's May 4th announcement of Haig's appointment, Staats outlined how the White House itself delineated Haig's dual status:

"In this role, General Haig will assume many of the responsibilities formerly held by H. R. Haldeman. These responsibilities include coordination of the work of the White House staff and administration of the immediate office of the President."

Staats continued, quoting from a subsequent announcement by Ziegler on May 10:

"Also, this morning, the President again referred to the fact that he had appointed Alexander Haig to fill the interim role which Bob Haldeman previously filled as assistant to the President and that Alexander Haig would be continuing in this position in the immediate future."

He then quoted a June 6th announcement by Ziegler, reading in part as follows:

"Gen. Alexander M. Haig, Jr., will retire from active duty in the Army effective August 1, 1973, and will be appointed assistant to the President. In this capacity General Haig will continue to exercise the same general responsibilities he has held since rejoining the White House staff on an interim basis in May. . . ."

The Comptroller General concluded: ". . . the strong indications . . . now are that General Haig has been, and is continuing to perform in his interim position as assistant to the President, essentially the duties which Mr. Haldeman exercised while occupying one of the offices created by 3 U.S.C. 106. On that premise . . . it is now our view that a violation of the statute 10 U.S.C. 973 (b) is indicated."

Moss wasted no time after receiving the Staats opinion. By June 21, he made the Comptroller General's letter available to Attorney General Richardson, adding his own historical research plus backup material from the Library of Congress. Accompanying this package was a formal request that the Attorney General follow precedent and require Haig to declare himself either a civilian or a general. In effect, Moss asked Richardson to do his duty; he formally sought enforcement of the law.

One question beclouded what now appeared to be a clearly defined situation: would the Attorney General act in the interest of long-term national good, or would he follow a more tortuous partisan path, delaying decision until Haig formally retired from the Army on August 1? The second choice would allow time to temporarily relieve growing political pressure, but would also allow the perilous precedent to be set. Regrettably, Richardson took the latter, partisan course. The sequence of events and correspondence is revealing.

No response was forthcoming to Moss's first letter until July 6, a fifteen-day lapse. The answer was short and totally lacking in substance. It evaded all contact with questions and issues posed by the mass of facts and the Staats opinion. In sum, the chief legal officer of the United States chose to avoid action.

Taking note of the early, pending Nader legal action, Richardson claimed that as Attorney General, he was formally charged with defending against the suit. He did note that although his research of 10 U.S.C. 973(b) was "incomplete," facts "so far available" did not establish that Haig's commission had terminated. In other words, a simple denial of the entire legal case, the Staats opinion and all specific questions posed.

On July 9, Representative Moss responded, again asking that Richardson exercise his mandate and restating the central question: "Do you, Mr. Attorney General, feel there is any relevance to the action taken by at least two of your distinguished predecessors involving the equally distinguished Generals Meade and Sherman?"

On July 18, a final Richardson letter stated that no opinion could be rendered because the Attorney General had to represent Haig in the Nader suit. Again questions of law and the Staats opinion were deliberately, almost scornfully, ignored.

Richardson employed one further legalism; that in the Sherman and Meade cases the President had sought an opinion from his Attorney General and had received one. In this case, so the peculiar Richardson logic held, since the President had sought no opinion, none would be forthcoming.

Meanwhile, an effort was being set afoot to prevent Haig from being placed on the retired list. For an officer above two-star rank to retire, he must be formally nominated to the retired list. This procedure involves a number of steps, commencing with the sending of his name to the Senate and its publication in the *CONGRESSIONAL RECORD*. It is then referred to the Senate Armed Services Committee for approval. It must then be approved by unanimous consent in the Senate, from there moving to the White House in the manner of an ordinary civil appointment, to be signed by the President at his pleasure.

Some concerned elements on Capitol Hill hoped an objection to unanimous consent would be registered by one or another member of the Senate. In some manner as yet unknown, sources friendly to the President and Haig were apprised of this plan. On Saturday, July 14, with only a handful of members present, the Haig retirement nomination sailed through with minimal attention. It was a perfect *fait accompli*.

Unfortunately for representative government, the smoke screen thrown out by the White House proved effective over the period from late May to August 1. By announcing that Haig would retire by August 1, the Administration effectively muted criticism by diverting attention from the precedent about to be set. That precedent still remains the central point at issue.

Rep. Les Aspin (D., Wis.) meanwhile had revealed another facet of the Haig retirement story. By retiring at four-star rank, Haig received \$2,147 monthly; an annual total of \$25,764. Haldeman's position carries with it statutory compensation of \$42,500. In the Haldeman post, Haig emerges as a very expensive federal employee, cashing in to the tune of some \$68,264 annually.

It is now believed by some that, at a future date, Mr. Nixon may recall Haig to active duty at four-star rank, a precedent set by President Kennedy with Gen. Maxwell Taylor. However, Taylor was recalled from civilian retirement, not from the office next door to the President.

Many observers in Congress, government and the media hoped Richardson would act to defuse the precedent, even by declaring after the fact that the White House action had been a violation of statute, and hence illegal. It would at least have provided future foes of similar appointments a legal leg to stand on. Such requests have been informally made of the Attorney General, but without result.

Haig has now consolidated his new position. Critics have accused him of encouraging a hard line on bombing Cambodia, although this cannot be documented. Certainly he played a significant role in "buttoning up" the White House, encouraging a defiant rather than a cooperative stance against the growing tide of Watergate-based criticism. This also includes a role in advising the President on release of the new celebrated tapes.

Three vital points dominate the Haig af-

fair. First, willingness by the President, in his fear, panic or determination, to aid himself by Haig's appointment, even though it meant establishing a most dangerous precedent.

Second, the thoroughly ignoble and intellectually dishonest role played throughout by the so-called "Mr. Clean" of the Administration, Attorney General Richardson. By sheltering behind legalisms, engaging in deliberate delay and refusing to confront legitimate legal questions, he is directly responsible for allowing the precedent to be set.

Finally, today a political time bomb ticks away under the concept of representative democracy as we have come to know it. A rationale has been established for a "man on horseback," or for cumulative creation of a military-style government through appointments. Precedents are made to be followed, and are useful to the unscrupulous as well as those seeking a rule of law.

The Haig precedent, unless rendered harmless, will assuredly come back to haunt the practice of democratic government in America. Perhaps it will be in a month, perhaps not for a century, but if and when an excuse is ever needed, the Haig precedent will be at hand. Legislation to prevent a repetition could, of course, be offered in the Congress. Unfortunately, it would be referred for consideration to the Armed Services Committees, which are, as most students of Capitol Hill know, graveyards for any kind of progressive legislation affecting the nation's military establishment.

Some readers may very well deride the alarm here expressed. But is it nonsense? Is it fevered imagination? History teaches otherwise. Even a cursory glance at the overall picture presented by recent American history reveals an ominous trend.

Since World War II, there has been enormous expansion by our military into activities hitherto performed by civilians. American Presidents no longer rely on the State Department. Rather, they turn to the military-oriented National Security Council.

Today, a body with strong West Point input has replaced an overwhelmingly civilian institution as the central advisory organ for American foreign policy. Abroad, U.S. foreign aid increasingly takes the form of military assistance. And who can forget that domestic intelligence gathered by military spies produced dossiers on more than 100,000 Americans? More recently, a similar scandal has broken in connection with surveillance of U.S. troops in Europe.

Increasingly, U.S. military units are being trained to perform domestic missions, rather than for combat roles abroad. War has forged a flourishing alliance between the executive branch and our military. The armed services did not seek these novel tasks. Civilian authority, shirking its duties, pressed such roles upon them. Once involved, however, the military has gone all out with enthusiasm.

New pressures are being placed on the traditional conception a professional military man has of his role. Once such added authority and capability are acquired there is a deep natural reluctance to yield it back, whether or not an original need still exists. After the frustrating failures in Vietnam, there will inevitably be fault-finding and a search for scapegoats. Will America's military and its conservative allies, still in shock over battlefield stalemate and defeat, seek out our liberal Left for such a role?

Military men tend to think in solely military terms when alternatives are proposed. In some future crisis, who will stand at the President's side and have his ear? Will it be a professional soldier, offering pessimistic evaluations to which only a military response can be made? Will negotiations be side-tracked as an alternative by a person trained to think in equations of military power?

The Haig types hail from a hierarchical rather than an egalitarian organization, and are oriented toward a group rather than to

the rights of individuals, stressing obedience and discipline instead of freedom of expression. By relying more on his kind of mentality, we elevate those very traits that negate what our society purports to stand for.

The military establishment itself is disturbed by the precedent. Haig's career has become the most closely scrutinized in the entire Army. A generation of junior officers is watching, and will no doubt be molded significantly by its outcome. The question for them still awaits an answer: will the Army in future provide incentives for promotion to the military professional or to an operator with political skills?

One footnote should be added to this bedraggled tale of battered principle and mutilated tradition. Representative Moss, in spite of Richardson's failure to act to disarm the precedent, has taken a thought-provoking step. He has addressed a request to Special Prosecutor Archibald Cox, enclosing all pertinent materials and asking that he examine the case with a view to intervention. Transpiring as a direct result of Watergate, and involving a violation of a federal statute, there may be some hope, albeit slim, for assistance from that quarter. If not, then the precedent will remain, awaiting that inevitable moment in our history when it will be utilized as a lever against the concept and practice of representative democracy.

#### CONSUMER PROTECTION LEGISLATION ESSENTIAL

#### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. FUQUA. Mr. Speaker, the establishment of an independent Consumer Protection Agency is one of the most pressing matters pending before this body. This legislation was stymied in the House several years ago when the Government Operations Committee was unable to obtain a rule under which the bill could be considered. In the last Congress, we were successful in passing a bill only to see it stopped in the Senate by a filibuster. A review of the history of this legislation makes it crystal clear that certain compromises and accommodations must be made if we are to give a greater voice to the consumer in governmental decisionmaking.

The distinguished chairman of the House Committee on Government Operations reflected this need in a statement he made during hearings on the various proposals earlier this week. Chairman HOLIFIELD suggested that our task is not unlike the planting of a tree. It is essential that we take pains to provide an environment in which the Consumer Protection Agency can take root. On the one hand, however, we have those who would deprive the Agency of necessary sustenance; the power to adequately make the consumer viewpoint felt. On the other hand, there are those who would burden the Agency with extraordinary powers and responsibilities before it could adequately take root. Once again compromise, the very heart of the legislative process, will be necessary if the Consumer Protection Agency is to be established.

Accordingly, I have recently testified before the Legislative and Military Affairs Subcommittee about the various

proposals to create a CPA. I have introduced one of the CPA bills and feel that it provides a prudent middle ground upon which our metaphorical tree can flourish.

I would like at this time to include in the Record my statement to the subcommittee and I encourage my colleagues to take note of the many questions which are raised by those proposals which would burden the Agency with unprecedented intervention powers and rights. Powers which, in some instances, would be greater than those enjoyed by the administrative agency which had initiated the activity impacting on the consumer interest. Privileges greater, in some instances, than those enjoyed by the individual or company respondent who has been brought before the administrative agency.

My statement is as follows:

STATEMENT OF HON. DON FUQUA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Thank you, Mr. Chairman, for this opportunity to make a very short statement on the three Consumer Protection Agency bills before us, H.R. 14, H.R. 21, and the bill I am cosponsoring with Congressman Brown, H.R. 564.

Mr. Chairman, I wish to recognize publicly at the beginning of these hearings that this subcommittee, and the full Committee as well, are two of the fairest forums in Congress.

I cannot help remembering the completely unfounded charges leveled on this Committee, and particularly on its distinguished Chairman, by outsiders who were interested in last year's CPA bill.

I feel qualified to make my feelings public because—as the Chairman well knows—I differed strongly with him on certain parts of last year's CPA bill. I was given every opportunity to argue my case and secure votes on my positions. This was at the Subcommittee, full Committee and floor levels of debate, and all with the Chairman's blessings.

I feel the need to speak about this now because the legislation before us is so controversial. I am certain that whatever we eventually report out will not satisfy everybody, and there is the potential for heated feelings. I want to emphasize the point that those who will differ with bill reported by us—because it is too strong or too weak—should not be heard to complain that their case was not heard. These are open, and I see by the schedule, long hearings for a bill that has already passed the House.

I feel that certain portions of the Chairman's bill, H.R. 21, should be altered. I would not spend my time here if I didn't think that it was possible to convince him and my fellow Committee members to make those changes.

This, Mr. Chairman, now brings me back to one of the central points about the bills before us. The three bills are remarkably similar in many major aspects. We are starting with a good footing, and I hope that we shall be able to focus intently on the key issues.

There are three issues that we are most concerned with: CPA rights to seek to overturn in court the final decisions of other agencies, to act as a dual prosecutor in a small area, and to force private citizens to divulge confidential information. A fourth issue is whether the CPA should be allowed to enter, as a matter of right, the informal activities of other agencies.

On this last point, I have consistently been much less concerned with where the CPA could go than with what it could do once it got there. But I have, through questioning, attempted to see if there are any specific areas where CPA advocacy would be inappropriate.



Subcommittee members will recall that I repeatedly questioned witnesses during the last hearings on what positions the CPA would take in such informal activities as federally mediated collective bargaining, deciding importation policies and foreign trade negotiations.

It seems that these questions are not yet resolved. Congressman Waggonner recently made a floor speech in which he stated his concern over CPA advocacy in discussions of imports, and particularly in negotiations over importing more oil from the Arab nations.

Mr. Chairman, because I feel that this short speech will add constructively to our hearing record, I ask that it be so inserted.

On the CPA's powers question, my chief area of concern, I intend to seek from our witnesses information on all three of the critical issues I have previously discussed.

On the question of Government vs. Government appeal rights, I would like to know whether any nonregulatory agency now enjoys such a power in so broad an area. I also wish to determine what specific prior decisions of federal agencies proponents have in mind as justifying the need for court appeal by another unit of the Government. Surely there must be a significant number to substantiate such an extraordinary power.

Similarly, I would like to know what sanction-oriented agency proceedings proponents of CPA full party status have in mind to justify such an across-the-board grant.

On the question of whether the CPA should be allowed to issue court-enforceable information demands to private citizens, I would like to determine what type of information is expected to be sought in this manner. More specifically, I wish to know what type of information do the proponents of this concept fear that a business firm will not provide voluntarily upon CPA request. Finding this out—if I do—I wish to evaluate whether the type of information that would not be given freely by a businessman to the CPA would be the type that we should force him to surrender.

Lastly, and on a more general theme, I wish to address myself to the proposition so often heard in relation to the more far-reaching CPA bills: Don't worry, this proposition says, because we have oversight of this new agency, we can always cut back over-reaching powers mistakenly granted. I want examples of this proposition in action; how many times have we—or any other Committee—cut back the powers granted to an agency.

It has always been my experience that we have added to the powers of agencies, particularly agencies with voter appeal. In fact, it has always been my experience that the agencies, themselves, do remarkably well in extending their own powers beyond what we originally intended.

We have a recent example of this right in the consumer protection field. The Chairman of the National Product Safety Commission, an agency only a few months old which hasn't even seated all of its Commissioners, announced his intention to use the agency's powers to attempt to ban cigarettes, contrary to the clear intent of Congress.

I would assume, by the way, that a CPA would have to vigorously oppose such a move, being a representative of the consumers of cigarettes, and not of those who never consume them.

Thank you, Mr. Chairman, for this opportunity to express my views. I look forward to a productive, and hopefully final, set of hearings on this very important legislation.

## HOLYOKE, MASS., CELEBRATES ITS 100TH BIRTHDAY

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. CONTE. Mr. Speaker, this year, the city of Holyoke in the First Congressional District of Massachusetts is commemorating its 100th anniversary. Its citizens have dubbed it "Holyoke's Historic Hundredth." I would like to invite my colleagues to join me today in wishing this remarkable community a happy birthday.

The history of Holyoke, the first planned industry city in our Nation, is one that merits our attention.

Located in the west central portion of the Commonwealth, Holyoke owes its establishment and expansion to the Connecticut River and those who would harness its power.

The community of Holyoke was the dream of the Hadley Falls Co., which still exists today as the Holyoke Water Power Co. The Hadley Falls Co. in the mid-1800's saw potential in a section of falls on the Connecticut and envisioned a city built on the firm foundation of industry.

Upon that dream, officials of that firm laid a blueprint. And according to that blueprint, the city grew.

The growth of the community was spurred by the great milling concerns that clustered around the river and the innovative canal system developed there. Three dams have spanned the Connecticut at Holyoke for the purpose of diverting water into these canals. The first, a wooden dam erected in 1848, failed to contain the river and was destroyed on its day of dedication. A second dam was successfully built in 1849. A third dam, completed in 1900 and considered an engineering marvel in its time, still stands.

The location now known as Holyoke was once called Ireland Parish in honor of the background of one of the residents of that section, John Riley. Later in the history of the area, that title became even more apt with the influx of Irish immigrants. Along with immigrants from Canada, Poland, Germany, Scotland, and other countries, they made Holyoke the "melting pot" which it remains today.

Holyoke's annual St. Patrick's Day Parade, a tradition in Massachusetts and one of the best of this type of pageant in the Nation, is only one example of the continued vitality of the ethnic groups in Holyoke.

In more recent times, a large number of Spanish-speaking Americans have found homes in the city of Holyoke.

In 1850, the community was incorporated as a town and took its name from the English pioneer, Elizur Holyoke, who came to the region 20 years after the Pilgrims landed at Plymouth. In 1873, Holyoke ratified its charter as a city—population 14,000.

Those early inhabitants and today's citizens of Holyoke have always sought and received strength from their belief in God. At the time of its incorporation as a city, several religious sects had al-

ready located in the city. In Holyoke today are found no fewer than 27 places of worship for followers of all faiths.

Not only has the need for moral leadership been superbly met in this community, the desire for quality education for all has been fulfilled. Formal education in Holyoke had its beginnings in a humble, one-room schoolhouse in 1802. As the community grew, so, too, grew Holyoke's schools. Today, excellent public and parochial systems provide the young residents of Holyoke with a variety of opportunities for instruction.

In 1969, Holyoke High School brought honor upon itself and its community by being named recipient of the 28th National Bellamy Award, an award which recognizes exemplary characteristics of patriotism and good citizenship. I was honored to be a participant in the ceremonies when the award was formally bestowed upon his deserving hall of learning.

Today, Holyoke's educational horizon continues bright. Work is nearing completion on the construction of the new campus of Holyoke Community College, one of the finest in the commonwealth's community college network.

Its educational system is not the only one of its attributes that have drawn public attention. Just this summer, the city was cited for excellence by the U.S. Conference of Mayors for its community development programs.

The physical wellbeing of Holyoke's citizens is monitored by three local hospitals, including a fine municipal hospital; Providence Hospital, operated by the Roman Catholic Sisters of Providence, which is also marking its centennial this year; and the Holyoke Soldiers Home. Holyoke also boasts forward looking municipal police and fire departments.

The citizens of Holyoke have never lacked for places of great beauty and sources of entertainment.

The Holyoke Opera House provided a home for the theater and the performing arts in early Holyoke. The Mount Tom Summit House was a popular spot in the early 1900's, attracting tourists from throughout the country, including President William McKinley. The Valley Arena, for many years served as a headquarters for sportsmen throughout the region. The game of volleyball was invented in Holyoke in 1895 by YMCA instructor W. G. Morgan and this same city was a pioneer in the game of basketball.

By virtue of its natural setting, in the Pioneer Valley of New England, Holyoke lends itself to a multitude of outdoor leisure-time activities. Historically, the city distinguished itself as a leader in the development of a municipal playground system. Year-round skiing, on water or snow, is available here. Boating, water-skiing and fishing are afforded by the Connecticut River, while climbing, snow skiing and camping are much pursued activities in the local hills. Holyoke also shares with its neighboring town of Easthampton the beautiful Mount Tom State Reservation.

Wisteriahurst, listed in the National Register of Historic Places, is a place of

beauty as well as a repository of museum artifacts.

The information needs of the community are served by a daily newspaper, the Holyoke Daily Transcript-Telegram and a local radio station, WREB.

Chronicling the events of importance to the community for more than 100 years, the Transcript-Telegram was founded in 1849 as the Hampden Freeman. In 1888, the journal came into the capable hands of William G. Dwight in whose family it has remained. One prime example of Holyoke's faith in the future is the brand new publishing plant of the Transcript-Telegram that recently opened and is ready to lead Holyoke into its second century.

In a front page salute in its special centennial edition, the Transcript-Telegram spotlighted one salient point in any discussion of Holyoke. It cited a quotation from the book, "The Founding of Holyoke, 1848" by Dr. Ralph H. Gabriel:

Technology marches on and the wonders of yesterday become the curiosities of today. But in every age, some men succeed in rising above the transient, and in creating works which outlast the times which produce them. The founders of Holyoke were such men. They built with such honesty and intelligence that the city has never been forced to abandon its original foundations.

Since its founding, Holyoke has, of course, experienced the economic fluctuations that every industrial community knows. Throughout, however, the people of Holyoke have exhibited an undaunted spirit and Holyoke today remains as it was designed, a manufacturing city.

While the concerns that gave the city its unofficial title "The Paper City" have been sadly depleted in recent years, several of those firms remain, providing employment for many Holyoke residents and maintaining Holyoke's reputation for a high quality of manufactured product.

Holyoke today is a city fighting the ravages to which other industrial communities have succumbed. I believe it is winning this fight. In the battle, the city wisely is using every tool available to it. In recent years, it has scored great successes with its urban renewal, model cities, and housing programs with which I have been deeply involved.

Holyoke residents, Mr. Speaker, are a proud group, and they have good reason to be.

This pride is being manifested especially this year. Holyokers have embraced this milestone with a vigor and enthusiasm that I dare say is unsurpassed in any other community marking a similar achievement.

Official events have spanned the entire year. The ethnic groups which throughout the years have contributed so mightily to the city, lent the strength of their unique pasts to the celebration, staging individual anniversary galas with an international flair.

The celebration is now beginning to reach fever pitch with a pageant, six centennial balls and a mammoth parade all set for month's end.

The spirit of brotherhood engendered by this celebration should, indeed, endure until the next time the citizens of

Holyoke gather to mark the close of another successful century.

I know that my many colleagues who have had the opportunity to visit this great and historic city join me now in extending hearty wishes to the city of Holyoke on the occasion of its "Historic Hundredth."

#### AN INCONTESTABLE VERDICT

#### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. CRANE. Mr. Speaker, on July 7 the West German Supreme Court made an historic decision on the interpretation of the basic treaty between East and West Germany. Because of our status with regard to Berlin, this decision has immense importance to us in the conduct of our foreign policy. The court held that the treaty was constitutional only under specified circumstances, and that interpretation is now being rejected by the Soviets who view the treaty as a recognition of the existence of East Germany as a separate State.

Despite the significance of this decision, there was little or no coverage of the verdict in this country. Consequently, I shall in the next several days, insert in the RECORD appropriate commentary and information on the decision so that the Congress may understand what has taken place.

[From "Die Welt", Aug. 2, 1973]

#### AN INCONTESTABLE VERDICT

(By Bruno Waltert)

As was to be expected, the federal government, the two coalition parties in Bonn as well as the publication media close to them have assessed the verdict of the Federal Constitutional Court on the basic treaty as approval of Bonn's eastern and Germany policies. The fact that the Bavarian claim was rejected unanimously by the judges of Karlsruhe, might tend to facilitate this argumentation. But it is neither correct nor does it make clear that the responsible protagonists of Bonn's eastern and Germany policies as well as those sympathizing with them are not at all joyful about the verdict of Karlsruhe, the reason being that they are well aware that the decision of the Federal Constitutional Court imposes very decisive restrictions on the envisioned policy, of which the basic treaty is just the beginning.

Understandably, they try not to show this disappointment to the public. Therefore, they attempt almost without exception to make believe that the verdict has ruled the basic treaty compatible with the basic law without doubt or reservation. Such a statement is, however, neither contained in the tenor of the decision of Karlsruhe nor in the reasons for it. In fact, the tenor of the verdict reads as follows:

"The law of June 6, 1973 on the treaty between the Federal Republic of Germany and the German Democratic Republic on the basis of relations between the Federal Republic of Germany and the German Democratic Republic, dated December 21, 1972, is compatible with the basic law within the framework of the interpretation contained in the reasons for the verdict."

The decisive words are "within the framework of the interpretation contained in the

reasons". It is these words, however, which do not please some of the advocates of Bonn's eastern and Germany policies. It will not help them much that they would therefore rather not publicize them. The opposition parties in Bonn have made it clear that they are going to adapt their future attitude on the "Deutschlandpolitik" to the verdict of Karlsruhe and they will probably not tire of gauging every Germany-political activity of the Brandt/Scheel government by the judge's decision.

The decision by the constitutional judges has helped them to proceed in this manner: all essential parts of the verdict have been formulated so as not to permit misinterpretation. They can not simply be reinterpreted as responsible government politicians in Bonn have seen fit to do. But that is not all: more important yet than the clear formulation of the decision is the court's connection of the reasons for the verdict with the tenor.

Customarily, only the tenor of the verdict—the key statement preceding the reasons for the ruling—has an immediate effect. It came as a surprise to many that the Federal Constitutional Court has now extended that effect also to the interpretations of the basic treaty contained in the verdict by inserting the phrase "within the framework of the interpretation contained in the reasons for the decision". This binding effect is, regardless of the fact that those responsible in Bonn and elsewhere would prefer to conceal or hush this up by means of foggy presentations, one of those realities which are usually referred to by the Bonn government—even in cases that are in truth based on fiction.

Concretely, this extension of the binding effect by the constitutional judges means that the federal government in its future "Deutschlandpolitik" will have to stick by all interpretations which the Federal Constitutional Court as the highest legal federal organ laid down in its ruling.

And it will not be possible to treat essential statements from the reasons for the verdict in such a manner as to make believe that they are not subject to this binding effect, because they are in no direct connection with the interpretation of the basic treaty by the court. The Federal Constitutional Court has unanimously blocked such maneuvers by stating: "Every individual statement included in the reasons for the verdict—even those that do not exclusively refer to the substance of the treaty proper, are necessary. That means they are part of the reasons for the decision in accordance with the jurisdiction of the Federal Constitutional Court". The limitations imposed by the court's decision for any type of "Deutschlandpolitik" of the Federal Republic can hence not be changed by moving the border poles.

Another passage from the verdict is of special importance in this connection. Concerning the "successor agreements" to the basic treaty which are to be expected and which are in part directly addressed in article 7 of the treaty, the verdict states:

"Everyone of these additional legal steps has to be compatible not only with the constitution, but also with the basic law. It therefore requires confirmation today that all further legal steps referring to the treaty are not necessarily legally justified simply because their contractual basis (the treaty) does not meet with constitutional objections".

All this makes clear that all competent judges of the Second Senate of the Federal Constitutional Court have realized—regardless of their party bias—that the limits of any activity in the "Deutschlandpolitik" which they have spelled out in accordance with the provisions of constitutional law, must be marked by clearly visible border poles. That was all the more necessary as the basic treaty



which the federal government uncautiously negotiated under pressure of time is not per se and without reservation compatible with the basic law, but only when and if it is interpreted in accordance with the constitution.

Although the judges of Karlsruhe have now clearly set the border poles as demanded by the constitution, this does still not guarantee, of course, that they will always be left there. For if it should be true that some especially influential protagonists of Bonn's eastern and Germany policies among the SPD party members pursue quite different goals than they pretend, then these politicians might be tempted to walk by those poles so often and so closely that nobody will notice when they set their feet—first cautiously, but then with more confidence—beyond the borders.

Hence one needs to be on one's toes. Outside the coalition in Bonn, alertness is an important challenge for the opposition parties. Within the Bonn government the Free Democrats (FDP party) should make use of the opportunity to take a clear stance on the "Deutschlandpolitik" by making sure that all future initiatives by the federal government of which they are doubtlessly a part, are clearly compatible with the constitution.

**LEE HAMILTON'S WASHINGTON REPORT ENTITLED "CAMPAIGN REFORM"**

**HON. LEE H. HAMILTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. HAMILTON. Mr. Speaker, I include my recent Washington report entitled "Campaign Reform."

**CAMPAIGN REFORM**

Two Americans in three believe that there are Senators and Congressmen in Congress who won elections by using unethical and illegal methods in their campaigns, and one in every five Americans believes that half or more of the 535 legislators in Congress have obtained office through questionable means. This lack of confidence in the integrity of the American political system is among our most urgent national concerns.

People will not have confidence in the Congress if they lack confidence in the manner in which their legislators are chosen. At the center of abuse of the electoral process are large amounts of money.

Elections have become top-heavy with expensive campaigns paid for by huge donations from a few wealthy individuals and organizations. The total cost of the 1972 election at all levels of government is estimated at a staggering \$500 million. Ninety percent of the contributions made to political campaigns comes from only one percent of the population, allowing a small group to exert a disproportionate influence.

Campaign financing is one of the most crucial, but unseen, areas of the democratic process, and in recent years the Congress has turned its attention to it with increasing frequency.

In 1971, Congress passed its first major campaign reform bill since 1925, and in 1973, prompted by Watergate and the general distress with the way elections are conducted, it is working on the most comprehensive campaign spending reform bill in the nation's history. The 1971 Act, modest in scope and success, required candidates to file detailed reports on the money raised and spent, and limited the amount that could be spent for advertising. The Act did not prevent Watergate, but it helped expose it.

For the new legislation these are the main areas under discussion:

**Expenditures:** Most people agree that too much money is being spent on campaigns

and that limits ought to be set. The 1971 Act limits spending for advertising to 10 cents per eligible voter in the constituency. Too strict a ceiling would favor the incumbent, and once spending limitations are broadened beyond advertising, enforcement becomes difficult.

I support overall limits on expenditures, high enough to permit the challenger to wage an effective campaign, but low enough to halt spiraling campaign costs, to reduce the necessity of raising huge sums of money to finance a campaign, and to reduce reliance upon special interest groups.

**Contributions:** A more important problem than limitations on campaign expenditures is limiting contributions. Large gifts designed to influence actions are one of the principal things wrong with present campaign practices.

I support strict limitations on the size of contributions from individuals or groups to prevent undue influence and to encourage more small contributions.

**Disclosure:** The best part of the 1971 Act was the provision requiring the disclosure of campaign finances. The major loophole of the 1971 Act, permitting a candidate multiple fundraising committees, should be closed so that each candidate would do all his reporting through one campaign committee. The objective is to assure the public an accurate account of how much was spent and where the money came from.

**Enforcement:** The worst part of the 1971 Act was the weak enforcement provision with divided responsibility for enforcement, and the most important single reform now needed is the creation of a hardnosed oversight and enforcement agency to assure compliance with stiff fines for violations.

**SIXTEEN YEARS IN INDIA**

**HON. LARRY WINN, JR.**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. WINN. Mr. Speaker, our American universities carry out many fine programs on the international level which are directed toward building meaningful and relevant relationships between Americans and citizens of differing cultures.

One such program was carried out by Kansas State University, and I would like to give recognition to the example set by this program.

Kansas State has been linked to India since 1954 when the U.S. Government requested several land-grant universities to assist in a project to help India increase its food production by strengthening its agricultural institutions. Their purpose was to assist in agricultural education, research and laboratory control of products, and to formulate technical cooperation programs.

Fifty-nine faculty and staff members from Kansas State participated in the "green revolution," as it is popularly known. In 1961, this team was instrumental in formulating plans for the establishment of Andhra Pradesh Agricultural University. The Kansas State team supplied important institutional and agricultural expertise and experience, and played an important role in the early organization of the university. The effect of this program on both India and Kansas State has been profound.

In spite of the terrible droughts of 1965, 1966, and 1967, India has become self-

sufficient in the production of food grains. Today, because of the time and effort expended by Kansas State and the other land grant university teams, agriculture, and its associated industries provide a living for 70 percent of India's population. Additionally, these industries account for almost one-half of the total national income. The export of agricultural products now accounts for about one-third of India's foreign exchange income.

Today, India is a land of hope rather than a land of despair.

Even with the rapid population expansion, Indian farmers have been motivated to produce in a manner, only recently thought impossible. But, how can the motivation for a better life for a villager and his family be accurately evaluated? Only time can give us an answer to the long-term value of the program to a country with a recorded history stretching back over 3,000 years.

The value to Kansas State University and to the State of Kansas has also been far-reaching. So many Americans have no appreciation for the vast problems faced in other countries. The Kansas State participants, I am sure, have gained a much broader point of view and a sense of compassion and understanding which could not be absorbed second-hand.

I take pride in the role Kansas State University has played in this valuable international program. Their 16 years of frustration, sweat, and accomplishment should serve as a guideline for the rest of America, for it is through dedication like this that the world becomes a sphere for cooperation rather than confrontation.

**IRISH-AMERICAN CULTURAL INSTITUTE**

**HON. SILVIO O. CONTE**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. CONTE. Mr. Speaker, I would like to bring to the attention of the House of Representatives the fine work being carried out by the Irish-American Cultural Institute, the only international Irish cultural organization of its kind, whose headquarters are located in St. Paul, Minn.

The IACI is this country's only active, international, successful organization promoting an understanding and interpretation of Irish culture. It has been cited as "the premier Irish-American organization" by Ireland's Prime Minister. Ireland's former President, Eamon deValera, has been the institute's distinguished patron. The IACI National Council includes scholars, writers, and artists like Pat O'Brien, Mike Douglas, and Bob Considine, Princess Grace of Monaco is the honorary international chairman.

IACI, publishers of the distinguished quarterly, *Eire-Ireland*, now runs an Irish Fortnight each year in five U.S. cities, including Washington. This fortnight is a unique concentration on Irish culture and civilization.

Mr. Speaker, I congratulate the Irish-American Cultural Institute for once more uplifting our minds and spirits through its cultural leadership. I insert in the Record the text of their upcoming concert program:

1973 Washington Concert—Ireland's Award-Winning Musical Artists, Lisner Auditorium, George Washington University, 21st & H Sts., N.W., Monday, October 22, 1973, 8:00 p.m., for tickets: contact T. J. Murphy, 1810 Wilson Lane No. 204, McLean, Virginia, 22101, or your local "Tikatron."

Featuring: Comhaltas Ceoltoiri Eireann—Ireland's foremost traditional artists musicians, singers, performers and dancers.

Comhaltas (Coh-ul-tus) brings to Washington its 25-member concert tour, selected from the award-winning performers of the past ten years, presenting authentic traditional music of Ireland.

Comhaltas is the great force behind the revolution in Irish folk music. Last year over 150,000 persons participated in Comhaltas events: three national festivals of song and dance and over thirty provincial and county gatherings.

## REVIEWERS LAUD KENT STATE BOOK

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, thousands of words have been written about the tragedy at the Kent State campus on May 4, 1970, when Ohio National Guardsmen opened fire on protesting college students, killing four and wounding several others.

Of the half dozen books penned on the subject, none thunders like "The Truth About Kent State," by Peter Davies.

Quite simply, Davies feels that the students were shot deliberately, without provocation, by National Guardsmen, who, before the actual firing, agreed to open fire on the protesters.

The effort of Peter Davies and a legion of others to bring out the truth surrounding the killings has resulted in Elliot Richardson's decision to reopen the Kent State case, 2 years after the Attorney General John Mitchell refused to convene a Federal grand jury to investigate the Kent incident.

The Davies' book has received excellent reviews in many of the Nation's newspapers and magazines.

I would like to include reviews from the New York Times and Playboy magazine at this time for the information of my colleagues:

[From the New York Times, Sept. 2, 1973]

THE TRUTH ABOUT KENT STATE

(Reviewed by Thomas Powers)

(A Challenger to the American Conscience. By Peter Davies and the Board of Church and Society of the United Methodist Church. Illustrated. 242 pp. New York: Farrar Straus Giroux.)

At 12:24 on the afternoon of Monday, May 4, 1970, a detachment of perhaps 30 National Guardsmen on the campus of Kent State University in Kent, Ohio, suddenly turned in a body and opened fire with M-1 rifles and .45-cal. automatic pistols on students who were hundreds of feet away. Thirteen students were shot. Four of them died.

Why did the Guardsmen fire?

It seems a simple enough question, hardly beyond the investigative resources of a Federal Government that has probed so minutely the activities of so many radicals, but Federal investigators have yet to come up with a complete answer, and Federal officials chose to ignore the partial answers, disturbing as they were. A Presidential Commission found, and then Attorney General John N. Mitchell conceded, that the shootings were "unnecessary, unwarranted and inexcusable," and yet Mitchell hesitated for more than a year following the shooting and then declined even to convene a Federal grand jury. Thus the first question is followed by a second: Why did the Government do nothing? Peter Davies' book on the Kent State shootings focuses with relentless clarity on the unanswered questions of the case, setting out what is known and what is not known, and eloquently attempting to convince us—hardest task of all—that we ought to care about what happened on that fatal day, and about the failure of justice which followed.

The shootings at Kent State are far from unique in recent American history and Mr. Davies knows he is less likely to meet outright hostility than cynicism and indifference. We are inclined to think we know all about Kent State, to grant Mr. Davies' case before we really know what it is, and to conclude wearily that nothing can be done about it, anyway. This would be to do both his book and his perseverance an injustice, because there is plenty to surprise and even shock us about the Kent State case once we begin paying close attention to the details, as Mr. Davies has done.

This was not a case of tragic confrontation, in which violent protest brought violence in return, as President Nixon suggested at the time, but of something much simpler. Thirteen students were shot at Kent State because popular feeling, officially encouraged, held that students were fair game. The Justice Department ignored the results of its own investigation because the President, the Vice President and the Attorney General had all publicly attacked student activists as ideological hoodlums. When the facts at Kent State failed to fit official preconceptions, the facts were slighted or suppressed, and the case was ignored. It is only in the last month that a new Attorney General, Elliot L. Richardson, has agreed to reopen the case in an attempt to answer the old questions. The official explanation is that new evidence has come to light but in fact, as we shall see, most of it is mentioned in Mr. Davies' book and the true explanation seems to be the obvious one: the original investigation was not pushed by the Justice Department and its findings were ignored.

The genesis of "The Truth About Kent State" is unusual. A few days after the shooting Mr. Davies, by profession an insurance broker, sent a letter of protest to President Nixon and a copy of it to the parents of one of the dead, Allison Krause. Allison's father called to thank him for his gesture and as a result Mr. Davies took a close interest in the various legal suits and appeals for a full inquiry initiated by Arthur Krause and other parents of the dead and wounded. The Board of Church and Society of the United Methodist Church later joined in these efforts and helped Mr. Davies to write an extensive "Appeal for Justice" which was submitted to the Department of Justice. When the then Attorney General John N. Mitchell nevertheless refused to convene a Federal grand jury to investigate the shootings, Mr. Davies undertook this book in order to bring the case for a full inquiry—of which there has so far been none—to a wider public.

Mr. Davies' only criticism of the report of the Presidential Commission headed by former Pennsylvania Governor William W. Scranton is that it did not go far enough. Pressed for time, the Commission failed to

pursue much that was important. The National Guardsmen who actually fired their guns, for example, all managed to avoid testifying before the Commission and as a result their version of events has never been subject to detailed public scrutiny. Mr. Davies is frank in acknowledging his heavy debt to three earlier books for many of the facts behind his argument: "13 Seconds: Confrontation at Kent State," by Joe Eszterhas and Michael D. Roberts (Dodd, Mead, 1970); "Kent State: What Happened and Why," by James A. Michener (Random House and Reader's Digest Press, 1971), and "The Killings at Kent State: How Murder Went Unpunished" by I. F. Stone (A New York Review Book Vintage Books, 1970). But his purpose, after all, is a limited one. He seeks only to remind us that justice cannot have been done where legal authorities have demonstrated so little interest in the simple truth.

For someone lacking subpoena power the truth about Kent State is not easy to get at, if by truth we mean to include an explanation of why the Guardsmen fired. The physical facts of the matter—who did what and when—are easier to establish because the shootings took place in broad daylight in full view of hundreds of witnesses and there is an extraordinary quantity of supplementary evidence, including a tape recording of the 13-second fusillade and dozens of photographs (many of which are in this book) from every vantage, of the events immediately preceding, during and following the actual shooting. All of this evidence, meticulously recounted by Mr. Davies, indicates there was no mob of menacing students as the national Guard later claimed, that the Guardsmen fired at students in a parking lot hundreds of feet away rather than at other students much closer to hand, and that they turned and fired in a body for no visibly apparent reason.

Mr. Davies suggests that a small group of Guardsmen may have agreed to fire on the students about five minutes before they actually did so. Photographs show that eight or ten Guardsmen suddenly bunched together in what witnesses referred to as a kind of "huddle." Mr. Davies thinks this group, tired and angry, may have loosely decided to shoot if there were any more rock throwing. They may even have decided to turn and fire on a predetermined signal. The best that one can say for this theory—and it is all that Mr. Davies does say—is that it is plausible and, if true, that it would explain the facts.

There are other possible explanations. The first shot heard on the tape recording of the incident, for example, might not be an agreed-upon signal, or the act of a lone Guardsman firing either deliberately or in panic, but a shot fired by a mysterious "freelance photographer" named Terence F. Norman. The Justice Department has cited "new evidence" about Mr. Norman's role in the incident for reopening its inquiry, but most of the evidence apparently has been around for some time and is included in Mr. Davies' book. There is no question, Mr. Davies says, that Norman was at the scene, that he was carrying a gun and that he drew it either right before or right after the shooting.

Some witnesses say he fired his gun immediately before the Guardsmen wheeled around and began shooting. The photographer may have been a full-time undercover agent for the University, which is known to have employed them, and the F.B.I. has recently admitted paying him \$125 a few weeks before the shootings for information about a right-wing political group. All of this must have been known by the F.B.I. at the time of its original inquiry. The questions about Mr. Norman's role which the Justice Department will attempt to answer now, are simply those which it neglected then.

Mr. Davies devotes the last third of his book to a close examination of official reaction to the shootings, such as there was. The



report of an Ohio grand jury was a white-wash pure and simple. The Federal Government did both more and less. The Scranton Commission reported that the shootings had been "unnecessary, unwarranted and inexcusable," but Vice President Agnew dismissed their findings as "pabulum for permissiveness" and the President ignored their recommendations.

The F.B.I. assigned up to 300 agents to the case and eventually delivered an 8,000 page report to the Justice Department which indicated, among other things, that some Guardsmen had lied in denying they had fired, that the Guardsmen had been in no physical danger, and that Guardsmen may have conspired after the shootings to blame their action on a threatening mob which never existed. In spite of the F.B.I.'s tentative conclusions, Attorney General Mitchell refused to convene a grand jury to investigate further. It was only after continuing appeals by the parents of students killed or wounded, as well as many others, including Mr. Davies, that the new Attorney General Elliot Richardson recently agreed to reopen the inquiry. Whether this new effort, so long after the fact, will finally arrive at the truth about Kent State is anybody's guess.

In another sense, however, the responsibility for the tragedy of May 4, 1970, has already been established clearly and it is here that Mr. Davies' book achieves its greatest force. One does not have to condone rock-throwing or the burning of the Kent State R.O.T.C. building on the Saturday before the shooting in order to center one's concern on the callous and irresponsible behavior of public officials who felt, and who did not hesitate in the heat of the moment to say, that students were fair game. Riding a wave of anti-student ill-feeling for which both the President and the Vice President are at least partly to blame, these officials, from the mayor of Kent to the governor of Ohio, made no attempt to calm the situation at Kent State but instead responded eagerly with steadily escalating force completely out of proportion to the provocation.

More specifically, there can be no excuse for the decision to issue Guardsmen with live ammunition. There can be no excuse for Major General Sylvester Del Corso's action two days before the shooting in scooping up rocks in full view of his troops and throwing them back at students. There can be no excuse for the bayonetting of three students over the weekend before the shooting, or for the failure of National Guard officers to bring their men under control. There can be no excuse for the inflammatory press conference given by Ohio Governor James Rhodes on Sunday, May 3, just two days before a Republican senatorial primary in which he was trailing badly, where Rhodes said "We're going to use every weapon of law-enforcement agencies of Ohio to drive them [student radicals] out of Kent. . . . They're worse than the brownshirts and the Communist element and also the night riders and the vigilantes. They're the worst type of people that we harbor in America. . . ."

There can be no excuse for General Robert H. Canterbury's decision to forcibly disperse an entirely peaceful and legal rally at noon on Monday, just 30 minutes before the shooting, remarking as he did so, "These students are going to have to find out what law and order is all about." And there can be no excuse for the incredible lack of fire discipline displayed when 20 or more Guardsmen, without any sort of order whatever, suddenly opened fire on students hundreds of feet away while General Canterbury, all but standing in their very midst, happened to be looking the other way.

Why reopen the case, where there are so many other issues competing for our flagging attention? "Not because such an inquiry would restore life to the dead," Mr. Davies argues, "but because we live by laws that no Guardsman is above and no student below."

There can be little question of the Justice Department's response if the rock throwers had killed four Guardsmen, rather than the other way around. All the important questions about the shootings at Kent State remain unanswered, for no better reason than that it has suited the authorities to leave them so. The case should be fully reopened and the truth established for the oldest and simplest of reasons: because justice has not been served, because too many Americans have cynically concluded it never is and never will be, and because no one, in a society of laws rather than men, is fair game.

[From Playboy magazine, October 1973]

"Those students are going to have to find out what law and order is all about," Brigadier General Robert Canterbury said during the demonstrations at Kent State University in May 1970. Four students were later killed and nine more wounded. In an astonishingly detailed book called *The Truth About Kent State* (Farrar, Straus & Giroux)—originally *The Murders at Kent State* but changed to avoid a libel suit—Peter Davies had assembled crucial facts and pleas for indictments of wrongdoers. Although former Attorney General John Mitchell conceded that the killings "were unnecessary, unwarranted and inexcusable," neither he nor his successor, Richard Kleindienst, brought the killers to justice. (The latest Attorney General, acknowledging "the sleazy atmosphere" at the Justice Department, has promised to reopen the case.) Davies, in eloquently controlled anger, has put together an indictment that should have been made a long time ago. The Justice Department concluded that the Guardsmen were not surrounded when they began shooting (the students were at least 200 feet away); the Guardsmen still had tear gas; only a few were injured (just one needed medical help); and no student posed a threat to them (witnesses say that no more than 15 students were throwing rocks—and from quite a distance). After examining numerous photographs, dozens of which are reprinted here, and talking to hundreds of witnesses, Davies writes that "It is shatteringly obvious that the danger to the lives of the Guardsmen was absolutely minimal." Then why the killings? An event minutes before the shootings arouses suspicion. Troop G, gathering on the practice field to plot strategy, suddenly turned around and commenced firing. "In other words," Davies writes, "we are left the clear possibility that a decision was reached among these men to shoot at the students." Some Guardsmen have admitted that the group agreed to shoot at random. The victims, after all were students—and everyone knows where the Nixon Administration stood on that subject.

#### SEEKS TO RAISE EARNINGS LIMITATION ON SOCIAL SECURITY SYSTEM

**HON. BOB WILSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BOB WILSON. Mr. Speaker, I am today introducing legislation to increase one of the most controversial features of the social security system—the earnings limitation. After many long years of paying taxes into the social security fund, the retiree finds that there are several "catches" attached to the retirement benefit he has been banking on. Primarily, if the retiree decides to work part-time to supplement his reduced income, he finds that, once he passes the

earnings ceiling, his social security benefits are substantially reduced. Having paid social security taxes during his working years to finance his retirement benefit, this senior citizen is understandably outraged. I am sure that many of my colleagues have received letters of protest over this situation. During the past year, Congress has raised the earnings ceiling somewhat to the \$2,400 recently enacted but I feel this is still unrealistic in terms of today's prices and living costs.

For this reason, I am today introducing legislation to raise the earnings ceiling to \$3,600. This will encourage those who are still physically able to work to supplement their social security pension and should contribute substantially to a feeling of self-sufficiency and the economic well-being of our senior citizens. In a time when many of our elderly are made to feel useless and a burden on society, those who wish to add to their incomes should be encouraged to do so. Although it may be fiscally impossible to remove the earnings ceiling, we should seriously consider increasing it to a more adequate level.

#### ENERGY CRISIS

**HON. WILLIAM J. KEATING**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. KEATING. Mr. Speaker, virtually every reliable indication in the United States points to the possibility of fuel shortages this winter, and other related problems associated with what has become known as the energy crisis.

During the month of August, the Public Utilities Commission of Ohio conducted hearings on the priority of curtailment in a gas shortage, and allocation of gas to new customers when additional gas becomes available.

Despite assurances from the Public Utilities Commission of Ohio, hospitals in the Cincinnati area are worried they will be cut off from their gas supplies this winter if serious shortages of natural gas develop.

The Cincinnati Gas & Electric Co. has already warned the Public Utilities Commission of Ohio that several Cincinnati hospitals may be among the first to be denied gas service under the new emergency priorities being considered by the commission.

The plight of the independent gasoline wholesalers and retailers also continues to worsen, as it has been reported that more than 4,000 independent service stations across the country have been forced to shut down operations either permanently or temporarily since the crunch began earlier this year.

Those independents who remain in business are threatened with extinction or at least dramatic cutbacks in operations unless the Federal Government asserts new policies and initiatives soon.

Because the independent sector is vital to the competitive viability of the petroleum industry, Congress should take those actions necessary to assure that the independents are not driven out of

business and made the scapegoats of this country's shortsighted energy policies of the past two decades.

I am firmly convinced that the energy challenge facing this country is perhaps the single most important matter which will affect the lives of every citizen in the United States for the next decade.

If this challenge is to be met successfully, it will require prompt and decisive action by the executive and legislative branches of the Federal Government.

Specifically, Congress must act now on the following crucial bills which are pending on committee calendars:

H.R. 7563, the Independent Oil Marketers Supply Act of 1973.

This bill attempts to insure supplies of petroleum products to independent marketers. These independents are not the beneficiaries of such tax privileges as the oil depletion allowance and, therefore, cannot during price-squeeze periods subsidize their retail outlets in any manner comparable to that of the major oil companies.

This bill would attempt to guarantee supplies of petroleum products to independent marketers by mandating that "no refiner who during the base period was in the business of furnishing any petroleum . . . to major company marketers . . . shall fail to offer to supply that product to independent marketers at reasonable prices and in reasonable quantities, so long as he continues to furnish that product to major company marketers."

An enforcement provision is also included in the bill to insure that the quantity and price of gasoline supplied does not discriminate against independents.

There is absolutely no doubt that independent oil and gasoline distributors are an important part of the oil industry, particularly in the Midwest and Northeast. In the past few months, the amount of crude oil and finished petroleum products being supplied to independents has not been at the levels it should be.

Independent gasoline dealers, for example, have suffered most heavily during the recent shortages. It is absolutely essential that the independent dealers be preserved, since they form such an important segment of the petroleum industry.

This legislation will accomplish that objective by spreading the shortages equally among the independents and major oil companies.

H.R. 7501, the Deepwater Port Facilities Act of 1973.

This bill is vitally needed for two reasons.

First, this legislation would help reduce existing port congestion and the attendant risk of oil spill from collision or grounding. Also, if a spill does occur at a deepwater port, there is more time to clean out the port before the oil reaches beaches and sensitive estuarine areas.

Second, the most obvious advantages of deepwater ports is their ability to accommodate deepdraft tankers. This will enable the United States to meet its essential, short-term energy needs of the future through the importation of large

quantities of crude oil and liquefied natural gas.

H.R. 7507, the Natural Gas Supply Act of 1973.

The Federal Government's natural gas policies over the past 19 years have unquestionably been one of the major factors producing the present-day energy crisis.

The Federal Power Commission's controls on gas were imposed at a time when natural gas was in surplus and prices were low. As a result of these controls, however, the popularity of gas soared, as it was highly prized for its clean burning qualities as well as its cheap price.

Unfortunately, holding down the price of gas below that of competing fuels such as coal and oil also discouraged incentive for new exploration. A gas shortage was inevitable.

The Natural Gas Act of 1973 is designed to reverse this trend. This bill proposes that new discoveries of gas, as well as old discoveries under contracts which have expired, may be sold into interstate commerce at free market prices without Federal regulation.

The unregulated contract prices, if they rose to the point where they threatened to penalize consumers unduly, would be controlled by the Secretary of the Interior through the imposition of a ceiling, after consideration of the prices and comparable qualities of competing fuels.

In addition, flowing gas under contracts would remain under regulated prices, and the bill would allow the Federal Power Commission the authority to regulate direct sales by pipelines to industries, which now escape regulation because they are not "sales for resale" as stipulated by the Natural Gas Act.

H.R. 5442, the Mineral Leasing Act of 1973.

This bill, which was introduced to revise the Nation's mineral leasing laws, provides the Secretary of the Interior with the authority to proscribe regulations for the issuance of prospecting licenses.

These licenses are to contain such reasonable conditions as the Secretary may require, including conditions for the protection of the environment, and shall be applicable to all Federal, State, and local laws.

In addition, the bill calls for lessees to file with the Secretary for approval of an operation and reclamation plan describing the manner in which the activity will be conducted, and it ensures that it is carried out consistent with environmental regulations.

Finally, this bill sets forth specific regulations regarding the size of mineral leases, conditions for leases, royalties derived and other factors for oil and gas, coal and other minerals, and construction minerals.

Mr. Speaker, this legislation is needed for several reasons, the most important of which is the need to update the Nation's mining laws. The Public Land Law Review Commission and other respected bodies have recommended changes for several years, as present Federal policy is based on the Mineral Leasing Act of 1872, which is not an effective leasing system.

This older bill fails to provide maximum benefit from the resources mined while ensuring the preservation of environmental values.

I would encourage my colleagues on the appropriate committees to act on these bills at the earliest possible date.

Mr. Speaker, on September 10, 1973, the President sent to this body proposals dealing with the energy crisis.

Part of the President's proposal is the creation of a Department of Energy and Natural Resources to permit the Federal Government to deal with the energy problem in a comprehensive and coordinated manner. The failure to create such an office will not prolong the energy problems that we are now experiencing.

A shortage of one fuel creates new demands on other fuel sources. Our inability to use coal as a fuel source because of its potential environmental damage leads us to rely more heavily on oil. Subsequent heavy demands on oil help to create shortages and reliance on foreign supply which, in turn, created an incentive to explore other sources of fuel supply such as nuclear power, hydropower, and now future energy sources such as shale oil, geothermal energy, and solar energy.

The need for the creation of a Department of Energy and Natural Resources is with us now and we should act now.

In addition, the President has asked for a new independent Energy Research and Development Administration which would lead the Federal effort to see that future energy sources are tapped as soon as possible and as efficiently as possible. The President proposed a \$10 billion research and development effort to begin in fiscal year 1975. I believe the Federal efforts that exist in this area today should be expanded immediately and the national effort to discover and utilize energy sources for the future should be given the highest priority and suffer no more delay.

It is clear that some energy resources the United States has available will remain unused until the technology is developed to convert these resources into usable fuels. Coal, for instance, is the Nation's most abundant fossil fuel, representing about 75 percent of our fossil fuel reserves. It is estimated that there are 150 billion tons of coal reserves in the United States which at today's consumption rates amounts to approximately a 30-year supply.

In spite of this great quantity, however, coal supplied only about 18 percent of America's energy requirements in 1972. The major drawbacks to expanded mining of coal and greater reliance on coal as an energy source are environmental and technological. Coal mining operations scar the land, while the burning of coal pollutes the air because there is no commercially successful way of burning it cleanly. Conversion of coal to gas or oil is still inefficient and technological breakthroughs in this area are years away, dependent, of course, on the amount of scientific research and development the United States is willing to expend in this area. Coal gasification has tremendous potential but its potential awaits our commitment.



Similarly, shale oil or recoverable deposits of shale oil in the continental United States are estimated at 600 billion barrels, although to date there has been no commercial production of shale oil in the United States. Again, the potential for shale oil awaits our commitment.

Mr. Speaker, I applaud the administration's effort to dampen demand and instill in all of us the spirit of conservation and the control of our energy uses. The use of carpools, the development of efficient motor vehicle engines that consume less fuel are very worthwhile; however, there are going to be continued problems in the energy field and we will be reminded of them daily until we take constructive action in this field.

For instance, General Motors Corp. officials have submitted a statement to the Office of Oil and Gas of the Department of the Interior on the proposed mandatory allocation program for propane which says that GM's entire automotive operations and a significant portion of the Nation's remaining automotive manufacturing operations will be forced to drastically curtail or even, perhaps, shut down if their foundries in Illinois and Ohio suffer natural gas curtailments predicted by their supplier for this coming winter and the plants are unable to obtain adequate supplies of propane as a substitute fuel.

This warning delivered on September 7, 1973, may be ignored but if, in fact, the largest private employer in the United States does curtail its operations, we will be forced to ask ourselves whether there was something we should have done to avoid the crisis.

But General Motors is not alone in pinpointing problems relating to energy. The State board of education of Ohio is fearful that because of a lack of fuel oil, the schools in Ohio this winter may be too cold and they may be forced to shut down. In addition, the State board is concerned about the transportation of the 1,300,000 students to and from their schools because some school districts have been unable to obtain price commitments for bulk purchases of gasoline for their schoolbuses.

At the same time, I have recently heard from a Green Bay, Wis., firm engaged in the transportation of dairy and meat products and manufactured food products with operation in eight Midwestern States. Because of an inadequate supply of fuel to operate its trucks, this company has to plan to discontinue normal operations starting in October of this year. As the president of the company wrote me:

If we do not have fuel, our trucks simply cannot run, if our trucks cannot run, substantial amounts of food and related items will not be delivered to the consumer.

Mr. Speaker, I continue to believe that the energy crisis is the single most important problem facing the Congress today, and I again urge early and constructive action on these issues.

## TWO GERMANYS IN ONE UNITED NATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. RARICK. Mr. Speaker, the announcement that there are two Germanys, each with one vote, in the United Nations is an absurdity as great as the misnomer "United Nations."

Several years ago the "world body," by majority vote, ruled that there could not be two Chinas in the U.N. They reasoned there was only one China and one Chinese people. Likewise, there is only one Germany and one Germanic people.

Apparently, the only difference is that the U.N. crowd felt the German affluence would provide another source of income.

Now that there are two German votes in the U.N., if these representatives truly represent the German people, the first item of business they should place on the agenda is removal of the Berlin wall and a call for reunification of Germany.

I ask that two related news clippings follow:

[From the Washington Post, Sept. 18, 1973]

TWO GERMANYS TO ENTER U.N. TODAY

(By Anthony Astrachan)

UNITED NATIONS, Sept. 17.—The 28th General Assembly opens Tuesday with the admission of the two Germanys, the successors to the nation on whose defeat in World War II the United Nations was built.

Foreign Minister Walter Scheel will represent the Federal Republic of Germany and Foreign Minister Otto Winzer will represent the German Democratic Republic.

The Assembly's attention will soon shift to another German-born foreign minister, however—U.S. Secretary of State-designate Henry A. Kissinger, who will make his first speech here Monday if, as expected, he has been confirmed by the Senate.

U.N. diplomats are looking forward to his maiden speech with some interest because he told the Senate Foreign Relations Committee 10 days ago that the United Nations is useless in disputes where the great powers or their proteges are involved—a truth well-known but seldom trumpeted here.

Kissinger did suggest significant roles for the United Nations in areas where the great powers are not involved: in peacekeeping, and in "new areas of human concern which over a decade or two may turn out to be more important than the tactical political and military issues of day to day—food, water, environment, problems that have no political content as such."

Secretary General Kurt Waldheim was asked about Kissinger's statement at his annual press conference today. He refused to comment on Kissinger in particular but emphasized that the United Nations was founded for political reasons; that it must deal with economic and social questions because without them, there can be no political stability; and that the main U.N. purposes remained political.

Kissinger also told the senators that the Assembly is "an excellent meeting place for the exchange of ideas" and that he therefore expects to spend "a fair amount of time" here.

The Assembly is expected to provide the occasion for Kissinger to confer with Foreign Minister K. B. Anderson of Denmark, who will give him Europe's reply to his hopes for a new Atlantic policy. In addition, there will be at least 62 other foreign ministers here, including those of the Soviet Union, China, Britain, France and Japan.

The sharpest conflict in the Assembly's own debates will concern Korea.

A draft resolution sponsored by Algeria, China, the Soviet Union and 20 other countries calls for the dissolution of the U.N. military command in Korea; the withdrawal of the right of foreign troops there to use the U.N. flag; and for the withdrawal of the troops themselves.

There are about 40,000 American troops in Korea, nominally under the U.N. flag.

A draft resolution sponsored by the United States, Britain, Japan and 10 other countries asks both North and South Korea to consider U.N. membership as a step to promote peace and security and ultimate unification.

This is the position of President Park Chung Hee of South Korea. President Kim Il Sung of North Korea insists that the country must be unified before applying for U.N. membership. But North Korea became a member of the World Health Organization this year and has accordingly assumed observer status here. South Korea has been an observer since 1949. Such status has often preceded full membership in the past.

The U.S.-backed resolution also asks the Security Council to consider "those aspects of the Korean question which fall within its responsibility." This is a euphemism for the military problems named in the other resolution.

There may be a minor controversy over the seating of Cambodia, where nonaligned and socialist states may try to oust the delegation from the Lon Nol government in favor of one representing the forces of deposed Prince Norodom Sihanouk.

The Assembly will also admit the Bahamas Tuesday, making the membership 135, and may make Bangladesh No. 136 if Pakistan and China withdraw their objections.

[From the Washington Star-News, Sept. 19, 1973]

TWO GERMANYS ADMITTED TO U.N.

UNITED NATIONS.—The foreign ministers of East and West Germany make their debut before the U.N. General Assembly today with speeches replying to a host of delegates congratulating their governments on admission to the United Nations.

The addresses by Otto Winzer of East Germany and Walter Scheel of West Germany were expected to reflect the unique relationship between the halves of the first divided country ever to enter the world organization—peaceful coexistence, contrary policies and membership in opposing international blocs.

Prime Minister Lynden O. Pindling of the Bahamas was also on the speakers' list to acknowledge good wishes on the admission of his Caribbean island nation, until it became independent of Britain in July.

The assembly elected the two Germanys and the Bahamas to membership yesterday at the opening of its 28th annual session, swelling the membership to 135 countries.

Israeli Ambassador Yosef Tekoah spoke against the admission of East Germany, saying it had aided Palestinian Arab organizations in a campaign of violence and murder against Israel and, unlike West Germany, had refused to pay Israel reparations for the 6 million Jews murdered by the Nazis.

Jeanne Martin Cisse of Guinea spoke against the admission of West Germany. She charged that it helped Portugal bomb the people of Portuguese Guinea and the Cape Verde Islands, where a rebellion is under way.

But Britain, France, the Soviet Union, the United States and the 61 other sponsors of the resolution to admit the two Germanys together would not allow the separate votes that would have enabled Tekoah and Mrs. Cisse to record their opposition on roll calls.

The resolution was adopted by acclamation, without a vote. Winzer and Scheel, with their delegations, were escorted into the hall to take their seats on opposite sides of one aisle.

U.N. Ambassador Leopoldo Benites of Ecuador had anticipated the admission of the two Germans in his inaugural speech a few hours earlier as president of the new assembly. He said it meant "ending the restrictive stage of the organization and beginning the stage of true universality."

U.S. Ambassador John A. Scali told the assembly the entry of the two Germans was "the culmination to a generation of diplomacy . . . in which all parties have come to recognize the realities of today's world."

## STARVATION REMAINS A THREAT IN THE SAHELIAN ZONE OF WEST AFRICA

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. RANGEL. Mr. Speaker, I have spoken on the floor before the congressional recess concerning the need for us in the Congress to be aware of the threat of starvation facing 20 million men, women, and children in a 2,000-mile belt of arid land along the southern edge of the Sahara.

Because of the long standing drought in this region, rivers and lakes have completely dried up, crops are dead and in some areas over 80 percent of the livestock have died of starvation.

Thousands of families have been forced to abandon their villages and homes. They roam the countryside and cities in search of water and food that will keep them alive.

Already thousands of the very young and old have died of starvation. Many, weak from lack of food, are suffering from diseases like cholera and typhoid.

It has been estimated that as many as 6 million men, women, and children could die of starvation by October unless emergency relief comes.

We must continue our efforts to increase American aid to this area to avert these catastrophic consequences.

Recently the National Enquirer sent staff reporter Harold Lewis to report on the famine in upper Volta, Senegal, Mauritania, Niger, Chad and Mali. I insert Mr. Lewis's report in the CONGRESSIONAL RECORD for the information of my colleagues:

ENQUIRER ON-THE-SPOT INVESTIGATION OF  
FAMINE IN AFRICA REVEALS THOUSANDS OF  
CHILDREN AWAIT DEATH AS MOTHERS SEARCH  
DESPERATELY FOR FOOD

(By Harold Lewis)

I cradled in my arms a child I sensed was about to die.

Fatima was 6 years old, and even to the untrained observer she was obviously too weak to fight off disease. I didn't have to look at her bloated belly to know the hunger in her eyes was desperate and real.

Thousands of such children, potbellied from starvation, await death today in six drought-stricken, underdeveloped nations of West Africa—Upper Volta, Senegal, Mauritania, Mali, Niger and Chad.

Four years of meager rainfall have killed off crops and cattle and brought catastrophic famine to a populace of more than 6 million. The search for water and food has sent many of them scurrying over hundreds of miles in search of greener pastures—if any are left.

Many are dying en route in the deserts on the fringe of the great Sahara—from thirst,

starvation, sandstorms and disease. In Dakar, capital of Senegal, they are fighting in the streets for water.

"I have lost everything," Moïse Imakalkalane, the 35-year-old father of Fatima, told me at a refugee camp in Niger. "In a desert sandstorm I lost a child. He wandered off and we never found him. Another child died because there was just no food to give her. No milk. Nothing."

"Maybe they will all die," he said of his remaining 10 children. Taklit, one of his three wives, sobbed quietly beside her Moslem husband as he spoke.

"I knew the herds had to be moved when the rains failed to come," Moïse continued. "I was hoping that after a few miles we would find new pastures, but we never did."

The blazing sun has scoured the African earth of its grass and sucked dry many water holes.

"Sixteen of my cows died in the first few miles," Moïse went on, "and the rest kept falling down from exhaustion. When they died we ate them. When they had all died we ate plants and leaves to keep alive."

"As the weeks dragged on, we suffered the torments of hell—the sun and burning sands scorched the outside of our bodies while hunger pained our insides."

"Our pace became slower, our steps more weary. But it was necessary to keep going all the time. It takes a day to get from one well to another, and we had to get to a new well each day or we would have died of thirst."

"It was three months before we arrived here," Moïse said of the refugee camp where 3,000 have now settled and hundreds more arrive every week. "But we arrived too late, I fear, to save Fatima."

No accurate fatality count is available from the famine zone. After talking to officials there, I estimate the death toll in the thousands. And more succumb each day, even from mild diseases like the common cold and measles, because of the weakened condition of starving bodies.

Such is Fatima's fate. For more than 500 miles she trudged wearily with her family from the Republic of Mali to the refugee camp near Niamey, capital of Niger.

The Imakalkalane family was among 900 Tuareg tribesmen who set off together across the desert in search of food, water and grazing land for their cattle. About half the tribe completed the trek.

Chief Issouf Mohammed told me: "Some just disappeared into the desert. Some just died. Many men abandoned their wives. The wives then abandoned the children and the children were left to starve."

"Now it is sickness that is threatening the children."

A few days later, I went back to the camp to speak again with the Tuaregs. By the flickering light of the camp fire I caught a glimpse of Moïse and Taklit.

Of Fatima there was no sign. And I, who had children at home and asleep in their beds, unashamedly wept.

A Belgian doctor in Niger told me: "In the name of humanity we are handing out food to children we know are going to die. It would be better used by giving it to those we know are going to live. It is not something I am supposed to say, but it is what we feel. The land just cannot support the people."

I went from Niamey to Agadez, 600 miles northeast, and found even more horrors. If there is hell on earth it is this Niger desert town of 7,000 swollen now to twice that size by nomads in search of water. There they sit in the 100-degree-plus heat, squeezing mud in their hands to extract precious drops of fluid.

Starvation in Agadez has weakened its children so badly that one recent measles epidemic killed dozens of them, I was told by American Don Kurtz. He has helped set up medical teams there for the Church World Service. "If the food supplies stop, many more will die," Kurtz added. "And right now we are down to flat nothing."

## PUBLIC UTILITY RESPONSIBILITY

**HON. DONALD M. FRASER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. FRASER. Mr. Speaker, the issue of corporate responsibility of public utility companies has special significance in light of projected energy shortages.

Alpha Smaby, a former member of the Minnesota State Legislature and a founder of the Minnesota Consumers' League, has used the proxy-election process to try to secure a seat on the board of directors of Northern States Power Co. If elected, Mrs. Smaby has promised to devote her time and corporate salary to furthering the interests of the consumer.

The outcome of the election will be announced on September 28, but unofficial reports indicate that Mrs. Smaby has secured the 7.7-percent vote needed to guarantee her 1 of the 12 corporate directorships.

The following column by Geri Joseph, which was reprinted in the September 13, 1973, Washington Post presents a balanced view of this precedent-breaking proxy fight:

POWER CRISIS

(By Geri Joseph)

Amidst all the headaches now described as "the energy crisis," no power company needs more trouble. But more trouble is just what the Minneapolis-based Northern States Power Co. (NSP) has—at least from management's point of view.

The trouble comes in the slender, articulate form of a 63-year-old Minneapolis grandmother, Alpha Smaby, whose community record up to now has been both active and responsible. She has been a two-term legislator, a founder of the Minnesota Consumers' League and a worker in the American Lutheran Church.

But Mrs. Smaby served notice that she wants to be one of the company's 12 directors, its first elected "consumer voice." Backing her is a group of consumer and environment organizations that call themselves, pointedly, the Coalition to Advocate Public Utility Responsibility (CAPUR).

Their efforts, begun early this year, sent shock waves vibrating through the ordinarily smooth-functioning NSP management. And around the country many another company is watching the outcome. If a consumer representative can be elected to the NSP board over management's objections, what company is next?

In a letter to stockholders, Robert Engels, NSP chairman, wrote: "I believe that the opponents' primary interest is to promote their own social and economic objectives and, if possible, impose them on you and your company."

"I further believe," he warned, "that if they succeed, your company's growth would be impeded, your financial interests would be adversely affected and management could not continue to administer the affairs of your company effectively."

Several months ago, in an obvious attempt to kill Mrs. Smaby's candidacy, NSP tried to change the rules by which board members are elected. Under the proposed changes, she would have needed about 20 per cent of the shareholders' votes instead of the present 7.69. A U.S. district judge, reminding the company of its "public responsibility and duty," ruled against the changes.

NSP's efforts probably cost the company a bit of prestige and possibly some votes. Even businessmen feel that the efforts to



smother Mrs. Smaby's challenge amounted to overkill. It turned the comparatively low-key struggle into a cause celebre for consumer and ecology interests.

In its own defense, the company claims that the issue is not really consumer involvement. It is, instead, the question of where this involvement should exist in the company and how it should get there. Should it be at the board level, in some advisory capacity or should it be built into the management structure?

Company spokesmen also insist that board members do not represent any particular group, and no outside organization should have the right to be officially represented.

Furthermore, NSP claims it has been a good corporate citizen in the four-state area it serves. Many people agree. It was one of the first power companies to seek the advice of citizen task forces in locating sites for new power plants. Recently, it established a consumer-affairs department and a vice president's office for environmental and consumer affairs.

Since 1968, the company points out, it has spent more than \$54 million on environmental improvements. It will spend about \$20 million in 1973. In addition, the company makes money and pays respectable dividends—a fact duly appreciated by its 100,000 shareholders, some 60 per cent of whom own between 50 and 200 shares.

CAPUR is unimpressed with NSP's arguments, and there is severe criticism of the company's behavior. William Mahlum, CAPUR attorney, emphasizes that Mrs. Smaby has a "right" to run for the board. "We've done everything by the rules," he stresses, and that took some doing. We're not trying to take over the company, but they resent the idea that anybody is looking into the inner sanctum of their board room."

CAPUR discounts the claim that present directors do not represent a particular group. Mahlum points out they "certainly represent a point of view." And it is true that, by accident or design, every director except one comes out of the banking or business world. This business orientation of board members, CAPUR claims, prevents their representing "89 per cent of NSP customers."

CAPUR also says NSP efforts to protect the environment are too little and too late, and not even the company's consumer programs win approval.

If Mrs. Smaby succeeds, it's unlikely that all consumers will be suddenly satisfied or that the environment will improve dramatically. Nor is it likely that NSP's earnings will suffer because of Mrs. Smaby's presence. Instead, both sides just might learn something from the other about serious and complex problems that concern everybody. And the entire four-state community would be the beneficiary.

#### RESOLUTIONS BY THE SONS OF THE AMERICAN REVOLUTION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, the national society, Sons of the American Revolution, held their 83d annual congress at the Breakers in Palm Beach, Fla., recently.

During the course of the congress a number of resolutions were adopted which would be of interest to all who read this RECORD. I insert 10 of these resolutions at this point in the RECORD:

#### RESOLUTIONS

##### RESOLUTION NO. 1

Whereas, in seeming disregard of the provisions of the Tenth Amendment to the Constitution of the United States, there appears in recent years to have been an increasing tendency to centralize in the federal government certain powers over subjects and matters not properly within the scope of federal authority or jurisdiction, and

Whereas, one area of vital and significant importance to the continued progress and well being of our great nation upon which such encroachment of federal power has seriously intruded is in the field of education of our young people upon whom will devolve the responsibility for the conduct and preservation of our country, its institutions, and its form of government as we have known them.

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83rd Annual Congress Assembled, that the design, structure, and administration of publicly supported educational systems is, and ought to be, the exclusive duty and responsibility of the individual and separate States of the Union in such manner and by such means as each of said States shall independently determine, and

Be it further resolved, that all federal agencies, including the Congress, the executive branch, and the courts should refrain from any interference, whether by coercion, force, persuasion, or otherwise, with the orderly performance by the several States of their responsibilities in the field of education.

##### RESOLUTION NO. 2

Whereas, on the ill-founded premise that access to biographical data as contained in federal census records constitutes an invasion of privacy, and

Whereas, there is presently pending in the House of Representatives a Bill (H.R. 7762), some of the provisions of which will permanently restrict accessibility to the 1900 and later census records, thereby detrimentally affecting historians, researchers, genealogists and applicants for admission to memberships in many worthy organizations wherein lineage is among the factors determining eligibility, of the valuable information and data available in such records, and by so doing, seriously endangering the future growth of such organizations, including our own.

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, that it opposes any efforts to restrict accessibility to the 1900 and later census records, whether by legislation, executive or administrative fiat, or by any other means.

##### RESOLUTION NO. 3

Whereas, Pollution of the nation's air, water, and land and the misuse of our natural resources are a threat to our health and to our very existence, and

Whereas, widespread public concern has expressed itself to establish curbs on litter and pollution, and to encourage conservation of natural resources through the development and utilization of our technology and scientific research, and

Whereas, in response to the critical need for environmental education and action to combat and overcome pollution, and to expedite acceptance of resource recovery to conserve our natural resources, the nationwide, action-oriented environmental awareness program—Johnny Horizon '76—"Let's Clean Up America For Our 200th Birthday"—was developed by the United States Department of the Interior, with the support and co-operation of the Department of Defense, General Services Administration, the U.S. Postal Service, the President's Council on Environmental Quality, the Civil Service Commission, the Federal Highway Administration and the Tennessee Valley Authority,

among others, along with more than 1,500 business, industry and citizens' groups and organizations, and

Whereas, the Johnny Horizon '76 "Let's Clean Up America For Our 200th Birthday" Program has widely demonstrated its ability to translate citizen concern into positive action such as community and country-wide cleanups, inner city beautification and conservation programs; in consequence whereby the American Revolution Bicentennial Commission in Washington, D.C. has officially recognized the Johnny Horizon '76 Program as an activity in furtherance of, and as a part of, the National Bicentennial Program and that it has been awarded the use of the Official Symbol.

Now, therefore, be it resolved:

1. That the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, acknowledges the overwhelming importance of the emerging environmental ethic in America based on the public demand that our air, water and land be cleaned up, and that our natural resources be conserved through resource recovery, all to the end that the quality of life might be improved for all our citizens.

2. That the said National Society agrees that the objective of cleaning up America, visually and ecologically, represents an important and highly desirable Bicentennial goal, as well as an ultimate objective for the well-being of all of us.

3. That the said National Society itself, and through its State Societies and local Chapter Program Committees—working in harmony with local civic and community organizations—do actively and consistently seek to help plan, develop and implement local Johnny Horizon '76 "Let's Clean Up America For Our 200th Birthday" Action Programs as a vital and significant part of our Nation's Bicentennial celebration effort.

##### RESOLUTION NO. 4

Whereas, the United Nations membership has grown in number to 132 nations and

Whereas, each of the Nations has a vote in the United Nations, equal to the vote of the United States, and

Whereas, a two-thirds voting majority in the general assembly can be formed by nations with less than ten percent (10%) of the world's population and which contribute approximately five percent (5%) of the United Nations' assessed budget.

Now, therefore, be it resolved by the National Society, Sons of the American Revolution at its 83rd Annual Congress assembled, that, pending the withdrawal of the United States from the United Nations entirely, we recommend to the consideration of our representatives and senators in Congress that the United States' financial support of the United Nations be re-adjusted to a more reasonable proportion, based upon a consideration of equal responsibility of all members.

##### RESOLUTION NO. 5

Whereas, we deplore the abandonment of the actual dates of George Washington's Birthday and Veterans Day for random weekend dates, unassociated with the patriotic and reverent purpose of their inception, and

Whereas, our Society has as one of its purposes the preservation and reverence for such patriotic occasions,

Now, therefore, be it resolved that the National Society, Sons of the American Revolution at its 83rd Annual Congress assembled, urges the observance of the actual dates of February 22nd and November 11th as the proper dates for honoring and commemorating George Washington's Birthday and Veterans Day respectively.

##### RESOLUTION NO. 6

Whereas, the South Carolina Society has developed a project for the purchase and restoration of the home of Edward Rutledge,

one of the signers of the Declaration of Independence;

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, that it endorses the action of the aforesaid South Carolina Society and urges the establishment and maintenance of the Edward Rutledge home as a permanent memorial to his memory.

#### RESOLUTION NO. 7

Whereas, reliable reports indicate that the United States is rapidly eroding its international position of strength in regard to its military, air and naval capacity, and

Whereas, George Washington admonished us, in the time of peace, to prepare for war,

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83rd Annual Congress, assembled, that the preservation and security of American liberty and our Republican form of government make it imperative that the military capabilities of this country be continually maintained in such strength and posture as to enable the United States to successfully repulse all threats to its existence from within and without the territorial boundaries of this nation.

#### RESOLUTION NO. 8

Whereas, the American people have paid tender tributes to the sacrifices of their sons who gave their lives in battle in World War I, World War II and the Korean Conflict by selecting unknown soldiers for special honors and respect at the tombs of the unknown soldiers in Arlington National Cemetery.

Now, therefore, be it resolved that the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, urges the United States Congress to honor in like manner the unknown soldiers, unidentified in death, who were victims of the Vietnam War, for their supreme sacrifice in the service and uniform of the United States of America.

#### RESOLUTION NO. 9

Whereas, our armed services have traditionally constituted the shield and sword of the Republic against aggression by a foe, and

Whereas, such mission has been executed in the past in a brave and honorable manner by officers and men dedicated to the rigors and hazards of the armed forces, and

Whereas, during the past decade, there has developed a permissiveness, laxity in discipline, disrespect for authority, lowering of standards of personal appearance, and lowering of mental and physical standards, and

Whereas, such ideas have resulted in near-mutinies on fighting ships and at land bases, and have further resulted in a widespread decline in standards of morale and discipline as well as fighting capability,

Now, therefore, be it Resolved, that the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, urges the President of the United States, as commander-in-chief of the armed services, to correct this troublesome situation by restoring a policy of traditional high military standards of conduct and discipline.

#### RESOLUTION NO. 10

Whereas, it is reiterated and re-affirmed that all previous resolutions submitted at prior Congresses be re-affirmed.

### VOCATIONAL EDUCATION

#### HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BEVILL. Mr. Speaker, I have been a strong supporter of vocational educa-

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tion programs since becoming a Member of Congress. I believe America is fast approaching a crossroads in the field of educational planning. It is essential during the next few years that we channel our efforts and resources into educating more people for employment, rather than just providing them with a college education.

I have received an excellent editorial concerning our vocational needs, which was published recently in the St. Clair News-Aegis, one of the fine papers in my congressional district.

I am placing this editorial in the Record and urging all of my colleagues to read it, for I believe it contains some very valuable advice:

#### VOCATIONAL EDUCATION

"Without a college diploma you can never live comfortably for the cost of living will increase drastically within the next few years and your money will not go as far."

The above phrase, and many like it, have been expounded by our nation's educators for a number of years, especially during the 1950's.

For too long the educational masterminds of American society have preached the importance of a college diploma.

With the great boom in American technology resulting from our nation's space exploration program and great post-war advancements, the technician or blue-collar worker has come into great demand.

Now, the picture is changing.

College enrollment will drop for the first time in a decade this year. This may be one of the best things that has happened to our young people in quite a while.

During the past few years, plumbers, mechanics, welders, and carpenters seemed on the verge of extinction. Reason being that everyone was rushing off to college and relatively few young people were bothering to learn these vital trades anymore. But the fact is that these and other blue collar occupations are every bit as essential to the maintenance of our type society as are the professions. A college education is still, for some, a prelude to chosen careers.

Today's high schoolers should be encouraged to pursue the goals of their choice. But a college degree is not the only means of obtaining happiness.

With the construction of the Eden Area Vocational School nearing completion and classes already underway, it must be noted that our high school students have an opportunity as never before in this vital area of education.

The St. Clair County Board of Education and all who worked so diligently for this facility should be commended for offering such an avenue of future growth and development of our county and its residents.

### "BOSS LEWIS"—THE SPARK IS GONE

#### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. STOKES. Mr. Speaker, a recent article in the Call & Post, written by Charles H. Loeb, brought back many memories. The late John H. Lewis, Sr., who was affectionately known as "Boss Lewis," was like a father to me and other young men in Cleveland. He inspired not only his own children, but all of us who

came into contact with him. He and his late wife, Emmie Lewis, became legends in their own time in Cleveland. Mr. Charles Loeb is to be commended for an excellent article and for reminding all of us once again of a man who provided a spark in the life of many of Cleveland's successful men and women. I commend this article to my colleagues:

#### THE SPARK IS GONE

(By Charles H. Loeb)

Whenever I read a news story about the efforts of both governmental and private agencies to revive "downtown" Cleveland, or stories about "involved" businessmen who are conscious of the social consequences of their policies, I think of the late John H. Lewis, Sr., who for so many years was the moving spirit of the Upper Quincy Avenue Merchants Association, and one of the most active leaders in the Negro business community.

Regrettably, the Quincy Avenue Merchants Association is now defunct, and the 82 merchants who once represented the peak of its membership, have now dwindled down to a precious few, now that the spark is gone for almost a decade.

Few men in the Cleveland community have ever demonstrated a more dedicated interest in developing black entrepreneurship and in keeping it alive by maintaining both an attractive environment and an atmosphere of ethical business practices.

Coming to Cleveland, with his wife Emmie, soon manifested the qualities of leadership that brought them affection from their neighbors and respect from the entire business community.

Under his leadership the Merchants group undertook numerous projects aimed at bettering the Quincy community both for the residents and for the businesses operating in the area. The membership continued to be interracial. The organization worked actively in evaluating urban renewal programs, demanding adequate police protection for the area, eradicating juvenile delinquency problems, curbing vandalism, working for off-street parking, sponsoring a twice-yearly clean-up campaign, and their most notable project, the yearly Christmas Lighting Project, which allowed Quincy Avenue to claim the longest string of lights in the city.

Mr. Lewis, "Boss Lewis", as he was affectionately called, was a native of Montgomery, Ala., and had worked for 27 years in the employ of McKesson and Robbins Incorporated, one of the world's largest manufacturers of drugs, until he moved his family to Cleveland in 1944, to open a Sohio Service Station at Quincy Avenue and East 89th Street.

As a Standard Oil Dealer, his pleasant personality and sincere interest in people, made him a welcome friend and a counsellor to hundreds of families. His name soon became a legend, and he threw himself devotedly into scores of community religious, charitable and civic projects. Meanwhile, his wife Emmie, who followed him in death a year ago, was making a record as an outstanding teacher in the Cleveland Public School system.

The spark that once inspired Quincy Avenue has been extinguished now for almost ten years, but John H. Lewis Sr., left behind him a significant contribution to the city of his adoption. They took form in his children in whom he inspired the thirst for education and the public service.

His son, Dr. John H. Lewis, Jr., is a physician specializing in children and a civic leader; daughter Anita, who worked with her father in the service station for many years, then later as an editorial staffer on the Call & Post, is currently Deputy Director of the Urban League of Cleveland. The youngest son, Wesley after distinguished service in the U.S. Air Force, is now employed by the Cleveland Electric Illuminating Company.



I am convinced that had Cleveland been able to attract more model citizens of the John H. Lewis type over the past two decades, we wouldn't be so desperately in need of a Model Cities program and could well have done without many of the misguided programs that have used up taxpayers money to no avail.

The spark is gone, but there is always a lingering hope that somebody who remembers "Boss" Lewis and his accomplishments, may again ignite it.

#### PHASE IV GUIDELINES

### HON. CLAIR W. BURGNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BURGNER. Mr. Speaker, last weekend I had the pleasure of meeting with a number of independent service stations owners in my district. They briefed me on the effect of the phase IV guidelines which are presently in force.

I returned to Washington concerned that these guidelines could threaten the basis of the efficient system of distribution of petroleum products in our Nation. Research into the specifics of the guidelines and their effect on the industry nationwide has only increased this concern.

This morning I wrote a letter to Dr. John T. Dunlop, Director of the Cost of Living Council. It expresses my concern, and I insert the text in the RECORD at this point:

SEPTEMBER 20, 1973.

DEAR MR. DUNLOP: The petroleum retailers of our country have been hit, and hit hard, by inequities in the application of Phase 4 controls within the energy supply industry. Without prompt corrective action literally thousands of small, independent businessmen will lose their businesses and the people of America will lose vital services.

In the commendable attempt to tailor price controls to fit the circumstances of this industry, the policy has allowed a pass-through of increased costs for those who effect the importation of the crude oil we need during the "energy crisis." My opposition to the attempt to regulate the economy through artificial controls does not keep me from applauding your effort to assure that the supply of energy imported from abroad is not curtailed as a result of domestic economic controls.

This "pass-through" does not, however, pass all the way through! The increases can, under current regulations, be passed along by those who buy crude oil overseas, those who ship it, those who store it, those who refine it. In short, increases can be dealt with by every level of the industry up to, but not including, the retailer.

As you know, the petroleum retailer is controlled by a ceiling on the price he may charge for his product while the rest of the industry is controlled by the imposition of a base price to which he may add increased costs. These increased costs, therefore, can only be passed through to the retailer who is expected to absorb them.

The current method of determining the ceiling price for gasoline uses the price that the retailer paid for the product on August first, plus the mark-up he charged in January 10th, or 7c a gallon, whichever is greater. Both of these figures are more than arbitrary, they are unworkable.

With the recent increases instituted by many of the major suppliers, the retailer has been caught in a squeeze that threatens the survival of the system of distribution of petroleum in our nation. Some estimates show as many as 70% of the dealers in America have been forced to adopt the 7c mark-up because of the depressed status of the industry on January 10. Now, with the increases in their costs, their mark-ups have been reduced to 6c or even 5c per gallon.

The National Congress of Petroleum Retailers have performed a study of their industry which indicates that a minimum mark-up of 8c a gallon is needed in order to remain in business. The gap between 8c and 5c or 6c per gallon is the retailer's margin of loss. Can we really expect a small businessman to remain in business if every sale he makes represents a loss? In this case, the larger the sale the larger the loss!

In light of these facts, I hope that the Cost of Living Council will take immediate action to adjust the ceiling price formula to reflect the latest figures on wholesale prices. But more than this, I fervently hope that a reexamination of the regulations as they apply to petroleum retailers can be conducted at the earliest opportunity. This reexamination would show, I am sure, that the best interest of the American people would be served by allowing a realistic mark-up and immediate adjustments based on increased costs.

Sincerely,

CLAIR W. BURGNER,  
Member of Congress.

### ANDREI SAKHAROV AND FREEDOM IN THE SOVIET UNION

### HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. PODELL. Mr. Speaker, today's Washington Post carried a full page advertisement of an open letter to the U.S. Congress from Andrei Sakharov, the noted Soviet physicist.

Dr. Sakharov, who has recently been the subject of official Soviet harassment for his outspoken attitude on human rights in Russia, importunes us to maintain our support for the Jackson-Vanik amendment. He says what all of us know, but few of us can admit: That "quiet diplomacy" is hopeless to help the vast number of Russians, Jewish and otherwise, who seek the basic human right of free emigration.

We dare not be in such a rush to reach a state of détente with the Soviet Union that we sacrifice all the highest principles of this Nation. The United States of America made a commitment almost 200 years ago to certain basic human rights, and, while we have at times strayed from the path of strict observance, these principles are still with us, still part of our law. They should also be part of our foreign policy, and this is what the Jackson-Vanik amendment is all about.

It is wrong to think that passage of this provision as part of the trade bill

will jeopardize détente. Détente means that two nations have reached a stage in their political development at which they feel they have many things in common and can live together comfortably in the world community. Yes, the cold war is over, and for that I can give thanks. But, Mr. Speaker, can we really coexist with the Soviet Union as long as that nation is still practicing religious discrimination and intellectual slavery?

Détente is only meaningful when two nations can deal with each other as equals, at arms' length. As I have said so many times, the Soviet Union needs us more than we need them. But we are so anxious to declare the Cold War officially over that we are showering them with every conceivable benefit of free trade. It was not necessary to declare the Cold War officially over for the grain deal to go through last year, or for Armand Hammer to work out his multimillion dollar natural gas project with Soviet officialdom. Anyone can see that the liberal goals of the 1950's and 1960's, to improve our relations with Russia, have been accomplished, without the benefit of most favored nation status or broad trade agreements.

Trade and good relations with the Soviet Union will continue whether the Jackson-Vanik amendment is passed or not. Passage of this amendment will not cause an upsurge of anti-Semitism in the Soviet Union. It will not disrupt trade with Russia. Threats to this effect are as nonsensical as scaring a child with tales of the boogey-man. We have successfully traded with the Soviet Union over the last few years without any of these concessions. What will cause anti-semitism to wallow up in Russia is if there is no trade bill at all because of an inability to include the Vanik amendment.

I cannot state too strongly or too often how important the Freedom of Emigration Act is, not only to the Jews in Russia, but to the dissidents who have been imprisoned in concentration camps and mental institutions, to the millions of men and women in Russia who would like a freer intellectual climate, to the thousands of non-Jews who would also like to emigrate, if only they could. Millions of people, not just in Russia, but the world over, are looking to us here in the Congress, to see whether we can enact our moral principles into legislation. We dare not betray this trust.

I am enclosing in the RECORD Dr. Sakharov's letter to the Congress of the United States. I urge my colleagues to read what he has to say to them, and to consider it in the time remaining before the trade bill is voted on:

AN OPEN LETTER TO THE U.S. CONGRESS BY  
ANDREI SAKHAROV, THE SOVIET PHYSICIST

At a time when the Congress is debating fundamental issues of foreign policy, I consider it my duty to express my view on one such issue—protection of the right to freedom of residence within the country of one's choice. That right was proclaimed by the United Nations in 1948 in the Universal Declaration of Human Rights.

If every nation is entitled to choose the political system under which it wishes to live, this is true all the more of every individual person. A country whose citizens are

deprived of this minimal right is not free even if there were not a single citizen who would want to exercise that right.

But, as you know, there are tens of thousands of citizens in the Soviet Union—Jews, Germans, Russians, Ukrainians, Lithuanians, Armenians, Estonians, Latvians, Turks and members of other ethnic groups—who want to leave the country and who have been seeking to exercise that right for years and for decades at the cost of endless difficulty and humiliation.

You know that prisons, labor camps and mental hospitals are full of people who have sought to exercise this legitimate right.

You surely know the name of the Lithuanian Simas A. Kudirka, who was handed over to the Soviet authorities by an American vessel, as well as the names of the defendants in the tragic 1970 hijacking trial in Leningrad. You know about the victims of the Berlin Wall.

There are many more lesser known victims—remember them, too!

For decades the Soviet Union has been developing under conditions of an intolerable isolation, bringing with it the ugliest consequences. Even a partial preservation of those conditions would be highly perilous for all mankind, for international confidence and detente.

In view of the foregoing, I am appealing to the Congress of the United States to give its support to the Jackson Amendment, which represents in my view and in the view of its sponsors an attempt to protect the right to emigration of citizens in countries that are entering into new and friendlier relations with the United States.

The Jackson Amendment is made even more significant by the fact that the world is only just entering on a new course of detente and it is therefore essential that the proper direction be followed from the outset. This is a fundamental issue, extending far beyond the question of emigration.

Those who believe that the Jackson Amendment is likely to undermine anyone's personal or governmental prestige are wrong. Its provisions are minimal and not demeaning.

It should be no surprise that the democratic process can add its corrective to the actions of public figures who negotiate without admitting the possibility of such an amendment. The amendment does not represent interference in the internal affairs of socialist countries, but simply a defense of international law, without which there can be no mutual trust.

Adoption of the amendment, therefore, cannot be a threat to Soviet-American relations. All the more, it would not imperil international detente.

There is a particular silliness in objections to the amendment that are founded on the alleged fear that its adoption would lead to outbursts of anti-semitism in the USSR and hinder the emigration of Jews.

Here you have total confusion, either deliberate or based on ignorance about the USSR. It is as if the emigration issue affected only Jews. As if the situation of those Jews who have vainly sought to emigrate to Israel was not already tragic enough and would become even more hopeless if it were to depend on the democratic attitudes and on the humanity of O.V.I.R. (the Soviet visa agency). As if the techniques of "quiet diplomacy" could help anyone, beyond a few individuals in Moscow and some other cities.

The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall.

Such a denial would lead to stronger repressions on ideological grounds. It would be tantamount to total capitulation of democratic principles in face of blackmail, deceit

and violence. The consequences of such a capitulation for international confidence, detente and the entire future of mankind are difficult to predict.

I express the hope that the Congress of the United States, reflecting the will and the traditional love of freedom of the American people, will realize its historical responsibility before mankind and will find the strength to rise above temporary partisan considerations of commercialism and prestige.

I hope that the Congress will support the Jackson Amendment.

September 14, 1973.

ANDREI SAKHAROV.

## RESPECT FOR HUMAN RIGHTS IN CHILE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. HARRINGTON. Mr. Speaker, the recent military overthrow of Chile's President Allende has brought in its train a disturbing series of repressive measures taken by the present regime. On September 18, 1973, the Washington Post reported that some 5,200 civilians faced trial by court-martial. A total of 4,700 Chileans are now imprisoned, say junta sources, while thousands of foreigners may be expelled from the country. Estimates of the loss of life during the initial days of the coup vary widely, but the toll could well extend into the thousands. Recent days have witnessed the summary execution of armed "resisters," internment of some 4,000 civilians in the capital's stadium, and blanket accusations against the machinations of resident foreign leftists. Some news reports also claim evidence of military clashes with foreign embassies in Santiago. In light of the above, on September 20, 1973, I sent a telegram to the Chilean Embassy expressing my concern over the fate of political prisoners in Chile, the text of which reads as follows:

I wish to express my great concern about imprisonment of political opponents. Health and safety of political prisoners has been violated throughout the world. Don't let Chile commit these wrongs also. Summary executions and political persecution violate Chile's long democratic tradition.

Prospect of foreign dissidents being expelled to hostile countries of origin appalling. Present circumstances should afford Chile the opportunity not for recrimination but reconciliation.

Granted that these are troubled times for Chile, when governmental fear and reaction often hold sway over reason and compassion, nevertheless the military junta still has a responsibility to insure respect for human rights within its borders. Humane treatment of prisoners, respect for the right to asylum, publication of lists of prisoners, and consideration of the rights of refugees not only meet the standards of international law, but are conducive to the enlightened self-interest of the government in power. Due to my concern in this area, I co-sponsored the following resolution introduced by Congressman FRASER:

Expressing the sense of the Congress with respect to the observance of human rights in Chile.

Whereas in the aftermath of the change of government in Chile there is widespread concern over the possible danger to human lives and human rights in that country;

Whereas thousands of people are being held in custody including former cabinet-level officials, members of both Houses of Congress, students and professors of universities and non-Chilean nationals who are political refugees from their home countries;

Whereas the Government of Chile has stated an intention to apply military justice to those being held in custody;

Now, therefore be it resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should request the Government of Chile to undertake the following:

(a) to ensure protection of human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct and humane treatment of prisoners as provided in Article 3 of the Geneva Conventions, Article 14 of the Universal Declaration of Human Rights, the UN Standard Minimum Rules for the Treatment of Prisoners, the Declaration on Territorial Asylum, and the Convention and Protocol Relating to the Status of Refugees; and

(b) to publish as soon as possible the names of those being held in custody and the charges against them.

The above resolution calls on President Nixon to ask that the military regime in Chile respect human rights and heed the provisions of various international conventions on the issue. By such action, the administration would not only underline its adherence to certain principles of international law, but go on record as opposed to any regime which justifies repression in the name of political stability, and brands any form of dissent as indistinguishable from treason.

## AMERICAN YOUTH

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. DE LA GARZA. Mr. Speaker, these days when one hears so much of distrust and dissension amongst the populace, whether founded on fact or not, it is heartwarming to receive a letter from a young man with a positive approach—a charitable approach. I do not think that our young people are disillusioned or negative. They care, but they care in a positive way.

I would like to share this letter from a young man in my district with my colleagues—disregard, please, his personal mention of me—the important and so heartening part is what follows:

DEAR MR. KIKKA DE LA GARZA: I would like to thank you for writing me last year upon my graduation. The letter I received from you showed me that you really care about the youth and all of the people in our Valley. I would just like to let you know that I'm praying to God for our leaders in government. So that God will give you guidance in all of your difficult decisions you must face



every day. I pray that he will give you also wisdom to confront wisely every issue you are confronted with. I thank the Lord for letting me write this letter to you.

Sincerely a Christian,

RICARDO GONZALEZ, Jr.

#### DEALING WITH THE PROBLEM OF CHILD ABUSE

**HON. MARIO BIAGGI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BIAGGI. Mr. Speaker, I would like to bring to my colleagues attention an article by Dr. Ronald E. Keeney that was the last in a series of child abuse printed in the "Non-Commissioned Officers Association Monthly News."

This final report lists available remedies to the child abuse problem. Many of these provide adequate means to deal with both parents and child so that the young can be brought up in a healthy, stimulating atmosphere.

Unfortunately, many new and more extensive programs are needed in order to provide a greater public awareness and to insure that all our young are brought up properly. We, as legislators, are responsible for providing this initiative by formulating new ideas and working diligently towards passing legislation that may prove one step closer toward resolving this national dilemma. I believe my bill, H.R. 5914, the National Child Abuse Prevention Act, is the best proposal currently before Congress to deal with this pressing problem.

DEALING WITH THE PROBLEM OF CHILD ABUSE  
(by Dr. Ronald E. Keeney)

For the past three months this column has dealt with various aspects of the problem of child abuse in our society. This article will deal with the response made by responsible authorities to an incident of child abuse. Public responsibility regarding child abuse will also be touched upon.

The determination that child abuse has occurred is a difficult and serious one. Most of us would avoid direct confrontation with a beaten child if at all possible. The same is true of children who are so neglected that they develop serious avoidable disease or sustain unnecessary injuries. Recalling, however, that children who are maltreated by their parents experience a mortality rate as one in four, and a permanent injury rate as high as 90%, one senses the urgent need for responsible, early action.

One valuable tool in making this determination is a central child abuse registry. Such a registry is stipulated by law in most states, and may be developed locally or regionally in accordance with specific state laws. The registry contains files on children whose injuries or illnesses are considered potentially a result of neglect or abuse. Many registries also contain files on siblings, parents, babysitters, and other potentially responsible parent substitutes. A recurrent pattern of injuries or neglectful circumstances is needed to support a determination of child abuse. Most abusive parents go "hospital shopping" or take the child to a different medical facility for each new illness or injury to avoid detection. Such a registry would accumulate this information and tend to prevent oversights. These registries are consulted by physicians any time suspicion arises about a

particular child under his care. Once it has been determined that a child's injuries or illness is most likely the result of abuse or neglect it becomes necessary for the physician to make a formal report of his concern to the appropriate authorities as designated by the individual state law or military base regulation. These authorities are usually the local child welfare unit or base child protective council. The latter is usually a function of the base community service and can be located through headquarters. Many states require any adult with knowledge of a child abuse case to report, with failure to do so punishable by law. In addition to requiring reporting, the state law, simultaneously grants legal immunity to any responsible adult whose report is made in good faith. Legal immunity protects the reporter from any legal counter-charges made by the accused parents. In most instances the identity of the person making the report is not revealed to the child's parents.

Following a report of child abuse, legal action is often necessary to assure the child's safety and to provide for treatment of the parents. This legal action involves a court hearing in which the evidence is presented by the examining physician, perhaps a social worker or case worker, and the person who reported initially. The judge, and in some rare cases a jury, then decides if the child's problem was a result of abuse or neglect and stipulates a course of action. This course of action is usually determined at the advice of experts on management of abusive parents. The child is often temporarily placed in a state licensed foster home while the parents undergo the prescribed treatment. When the parents have adequately responded to treatment the child is returned to the home. After return of the child to the home support for the parents is continued until it is determined that they have become the capable parents they had always wanted to be.

Not all determinations of child abuse require foster home placement of the child. When parents show certain strengths it is possible to leave the child in the home and provide twenty-four hour availability of case workers and professionals (therapists). The parents can talk to these therapists when they begin to feel the pressures that cause them to lose control of dangerous impulses.

A community crisis control center as is available to potential suicide victims or addicts on "bad trips" could also be valuable in preventing child abuse if staffed with people who understand the mechanics of child abuse and know how to get help for them.

A third area of help available to abusive parents seeking help is the development of local groups of parents anonymous, an organization of parents who have abused their children similar to alcoholics anonymous. Information on location and activities of such groups should be obtainable from Mrs. Jolly K., 2009 Farrell Avenue, Redondo Beach, California 90278, telephone (213) 379-0111.

The above programs are, however, often too late for the involved family. They are brought into play only after an injury has already occurred. Many of these injuries cause permanent disability and even death. It is hoped by experts on child abuse, such as Dr. C. Henry Kempe of the University of Colorado School of Medicine, that the abuse can be prevented by early detection of parents who have "abusive qualities" in their personality makeup. Dr. Kempe is developing a questionnaire designed to allow detection in prenatal and well baby clinics before a child has been severely injured. Once such a parent has been identified he would undergo appropriate treatment and orientation toward normal child behavior and child rearing.

Given the best of detection and management capabilities, however, optimal resolution of the problem of child abuse and neglect in this country will come only when public apathy is overcome and an attitude toward treatment rather than punishment of abusive parents evolves.

Questions or concerns about child abuse which may have arisen in the course of reading these articles on child abuse are welcomed. An attempt will be made to answer these questions in future columns or individually as appropriate.

#### DIABETES

**HON. WILLIAM J. KEATING**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. KEATING. Mr. Speaker, there has recently been brought to my attention some pertinent information concerning the problem of diabetes.

In light of the fact that the Subcommittee on Public Health has already conducted hearings on the National Diabetes Act, H.R. 4882, I would like to share this information just supplied to me with my colleagues.

Kenneth Kreines, M.D., director of the Diabetes Clinic at the University of Cincinnati Medical Center, has provided me with specific data concerning diabetes and related diseases.

It is my hope that we will act in this Congress to help alleviate this prevalent disease.

Attached to these remarks is a copy of Dr. Kreines' letter:

UNIVERSITY OF CINCINNATI

MEDICAL CENTER,

Cincinnati, Ohio, September 11, 1973.

HON. WILLIAM J. KEATING,  
Federal Office Building,  
Cincinnati, Ohio

DEAR CONGRESSMAN KEATING: I wish to thank you again for the opportunity to present to you the case for needed federal assistance to combat diabetes. During the meeting on September 8, 1973, you requested that a few of the figures regarding the epidemiology of diabetes be sent to you and that is the reason for this letter.

#### A. THE PREVALENCE OF DIABETES

It is estimated that one percent of the United States population has known diabetes and that an equal number has the disease, but does not know it. Since it is estimated that the hereditary tendency towards diabetes is present in about five percent, an additional three percent of the population should develop diabetes later in their lives. To put it another way, if one accepts the population of Greater Cincinnati at 1,000,000, there are 20,000 diabetics in Cincinnati and an additional 30,000 will develop the disease later. If the population of the United States is 200,000,000, 4,000,000 Americans have diabetes and an additional 6,000,000 will develop the disease during their lives.

#### B. MORTALITY FROM DIABETES

The death rate from diabetes is approximately twice that for all other causes combined. Most of the excess mortality is due to cardiovascular disease. Diabetes is the fifth leading cause of death in the United States and it is estimated that 35,000 people will die from the disease this year. In comparison with non-diabetic children, a child developing diabetes at age 10 has an 18 percent addi-

tional chance of dying before age 35. A 40 year-old wage earner developing diabetes at the height of his economic productivity, has a 25 percent additional chance of dying before age 65, and a woman of the same age has an excess mortality of 45 percent by age 65.

#### C. CORONARY ARTERY DISEASE

Coronary artery disease is a major public health problem because it affects chiefly men during their wage earning years. It is possible that as many as two-thirds of all patients with coronary occlusions have diabetes. In the University Group Diabetes Program, a large NIH sponsored multi-University study (including the University of Cincinnati Medical Center) of the effects of treatment on the complications of diabetes in middle-aged diabetics, approximately ten percent of the patients were found to have coronary artery disease at the time of diagnosis. For comparison, coronary artery disease was found in only 1.6 percent of the general population of Framingham, Massachusetts. Coronary artery disease is much more prevalent in the diabetic women than in non-diabetic women who are usually spared prior to menopause. Coronary occlusions occur at an earlier age in diabetics than in non-diabetics and are more likely to be fatal.

#### D. BLINDNESS

Diabetes is the major systemic disease causing blindness in the United States. Blindness is 10-28 times as common among diabetics as among the general population. In 1962, the National Society for the Prevention of Blindness estimated that there are 44,660 blind diabetics in the United States and that an additional 4,480 diabetics would become blind that year. Diabetes is the leading cause of blindness during the wage earning years (ages 40-60) and the second leading cause during ages 20-40.

#### E. PREGNANCY ABNORMALITIES

Lethal congenital malformations are said to be four times as common in diabetic than in non-diabetic pregnancy (2.0 vs. 0.5 percent). Full term stillbirth is very uncommon in the absence of diabetes, but it occurs in about 18 percent of pregnancies in diabetic women.

I have indicated above only a few of the most important figures and wish to point out that much more documentation is available. I spoke with Dr. Harvey C. Knowles and he has agreed to supply you with a copy of the chapter on the epidemiology of diabetes that he is writing for the Fogarty International Institute of the NIH.

Please let me know if I can be of any further help.

Sincerely yours,

KENNETH KREINES, M.D.,  
Associate Professor of Medicine, Director,  
Diabetes Clinic.

#### MEDIA REPORTS ON HEALTH PROPOSALS

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 20, 1973

Mr. YOUNG of Florida, Mr. Speaker, recently news media have carried a number of stories on long-range health care proposals under consideration in the Department of Health, Education, and Welfare. The American taxpayer has been horrified by allegations in these stories that the administration is planning to eliminate the medical deduction from the Federal personal income tax, there-

by creating additional revenues of \$7.5 billion for the Federal Government.

I think it is only fair to the public to point out a number of clarifying details on these "news" stories.

First, the proposals which are being reported as current news are, in fact, only in a very general idea stage—the beginning of a very long road toward creation of a national health care policy. A number of alternatives are being discussed within HEW in an effort to formulate programs which will provide good medical care to all Americans without exorbitant costs to the taxpayer. Such a national policy and its implementing programs will take years to reach final form, and it is misleading to the public to release premature scare stories on items which are only ideas.

Second, the so-called \$7.5 billion tax windfall is not intended to be an extra bite on the income of American families. Coupled with the suggested elimination of the tax deduction is the idea that the resulting funds will be used by the Federal Government to finance some form of national health insurance system, including catastrophic illness coverage, to guarantee good health care for all Americans. The Federal Government plans to spend more than \$30 billion on health in fiscal 1974, of which medicare alone will be \$12.1 billion. Preliminary estimates of various national health insurance proposals range as high as a whopping \$60 billion per year in additional costs to the taxpayer. Thus, any planning for future health programs must develop appropriate revenue sources if we are not to have a tax increase or contribute further to inflation by huge increases in the national debt.

Third, these recent newstories bear a remarkable similarity to certain stories which ran early in 1973 concerning "proposals" to increase the individual contribution to medicare and to require the individual to bear a greater portion of hospitalization costs. These stories generated a considerable amount of congressional mail from older people on fixed incomes who were fearful of the extra burden of such proposals. But few of those being quoted bothered to mention that the "proposals" had never been sent to Congress in any legislative form; fewer still mentioned that they would be opposed by virtually all Members of Congress, myself included. Finally, when HEW Secretary Caspar Weinberger testified in July that the "proposals" has been abandoned completely by HEW, his testimony was not widely reported so that the fears generated by the earlier stories could be relieved.

Last, those authors of the stories about "proposals" who are trying to blame the Nixon administration for placing an additional burden on the taxpayer should at least be honest in placing the blame—the proposals cannot be implemented by the President. Only the Congress has the power to pass laws changing the medicare laws and income tax laws, and therefore only the Congress would be ultimately responsible.

Mr. Speaker, as in the prior instance, I am certain that a majority of my col-

leagues would join me in strongly opposing any such action as a unilateral elimination of the income tax medical deduction which would severely impact on the already suffering American taxpayer. Formulation of a national health policy is a must, so that every American citizen can receive the medical attention he may require, especially older persons living on fixed incomes.

Until we consider such a health care program, balancing requirements and benefits against possible costs, any premature "scare stories" are a disservice to the public and to the need for careful deliberation by the Congress.

MSGR. WILLIAM A. CROTTI

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 20, 1973

Mr. McDADE. Mr. Speaker, it is not often that a man's life will span so significant a portion of human history as that period of time witnessed by one of my most distinguished constituents, Msgr. William A. Crotti, the former pastor of the Church of St. Anthony of Padua, in Dunmore, Pa. In the years of his life and his ministry, he was to see the whole human pageant of despair and eternal hope, of desolation and triumph. In the 48 years of his ministry, it was his destiny to be a pillar of strength for those who needed his help. In the times when our Nation was at war, his life and his church were a haven of peace. In times of sorrow, his was the gentle hand to give comfort. In times of joy, he made that joy richer by the blessing of God he bestowed upon it.

The people of St. Anthony's Church have held a testimonial dinner honoring Monsignor Crotti. It was one of the most memorable gatherings in the history of Dunmore. To that dinner came leaders from all walks of life to pay their tribute to this remarkable man who was known and loved throughout the entire region through all the years of his pastorate. Many of those who were present had come to his church as little children and returned to that dinner to honor him as professional men in many parts of America.

There was, indeed, present one of the outstanding sons of St. Anthony of Padua's Church in the person of my distinguished colleague from New Jersey (Mr. MINISH). He had come home to the church of his childhood to pay his own tribute to Monsignor Crotti, because he had come to know in a very personal way how Monsignor Crotti could lend his strength in a time of great sorrow.

I wish to pay my own personal tribute to Monsignor Crotti here on the floor of the Congress, and I know my colleagues join me in this tribute. It is difficult to believe that a man whose name has become a byword in our community and whose life was so admired by those who knew him will really retire from the active ministry. I know that God will walk



with him in his retirement just as he walked with God throughout his ministry. And the work of his life will flow endlessly on in the lives of his people, and in the lives of their children.

With your permission, Mr. Speaker, I will append an article from the *Scranton Times* reporting that testimonial dinner:

**PASTOR RETIRES AFTER 45 YEARS AT ST. ANTHONY'S—MONSIGNOR CROTTI HONORED AT TESTIMONIAL**

(By Francis T. DeAndrea)

The parishioners of St. Anthony of Padua Church, Dunmore, went to bed Sunday night orphans. Their father of 45 years was no longer with them.

The passing didn't come as a shock because even as far back as 1928 the people of St. Anthony's realized that on Sept. 9, 1973, Msgr. William A. Crotti would have to step down as pastor of the "parish on the hill."

So it was fitting that Father Time set aside seven hours of Msgr. Crotti's last day as St. Anthony's pastor so that he could be honored by 800 people with a testimonial at St. Mary's Center, Millin Ave.

As far as testimonials go it was one of the best ever to be bestowed on an individual in this city's history. Honoring the monsignor in the newly erected auditorium were area and statewide politicians; clergy of virtually every denomination, and the people monsignor liked to call his "children," the parishioners of St. Anthony's.

The dais that surrounded the guest of honor included dinner chairman Samuel C. Call, Lackawanna County Register of Wills; toastmaster Atty. Anthony A. Lawrence; Mayor Martin Monahan, Jr., Orphans Court Judge Daniel L. Penetar, state Sen. Robert Mellow; New Jersey Congressman Joseph Minish, and Congressional Medal of Honor winner Gino Merli.

In the audience were Lackawanna County Commissioners Charles Luger and Robert Pettinato, Mayor Eugene J. Peters of Scranton, Judge James J. Walsh, Rep. Charles Volpe, Sheriff Joseph Wincovitch, Scranton Councilman Myron Wolkoff, and a host of other county and Dunmore politicians.

All of the men on the dais, with the exception of Mayor Monahan and Mr. Merli are, or were at one time, members of St. Anthony's parish. The group, along with other speakers, had one thing in common—they honored and respected the retiring priest with whom they worked in various civic and religious programs.

Atty. Lawrence said it best in his opening remarks: "This is your life, Msgr. Crotti." And with that remark the tone of the night's program was set.

Speaker after speaker directed praise in the monsignor's direction.

The Rev. J. Anthony Tito, former pastor of St. Mary's Church, Jessup, and successor to Msgr. Crotti, said his predecessor has served as an example for him and thousands of other people who came under the monsignor's wing in his 47 years as a priest.

The Rev. Paschal J. Trozzolillo, pastor of St. Anthony's Church, Scranton, who has been a lifelong friend of the honored prelate, was by far the hit of the night as he mixed humorous nostalgic and modern day stories telling of all the good the Olyphant native has done for Dunmore.

"I can remember him making Sunday tours of the Dunmore pool halls during the Depression years telling young men they should be in church, not playing racks of 8-ball."

"His guidance undoubtedly paid off as St. Anthony's has produced some of the most respected and most successful citizens in this area as any parish I can think of," Father Trozzolillo stated.

But it took remarks from the principal speaker, Judge Penetar, to best express the reason why there was such a cross section of people in the audience Sunday night.

"He brought to Dunmore an ecumenical movement by opening up his heart to all nationalities, not just the Italians that make up a sizable portion of his parish."

Then it was the guest of honor's turn to take over the podium, and the little man with the big, raspy voice was noticeably shaken by the preceding speeches and the turnout honoring him.

"Tonight my heart is filled with sadness and joy," he said, as emotion gripped his voice. "Thanks to you people, this is one of the greatest moments of my priestly career."

"Any of the good I've done at St. Anthony's can only be attributed to you as a group. For without you there wouldn't be a St. Anthony's."

The monsignor then delved into parish history and recalled everything that has been accomplished since 1928.

He looked with pride on the church, convent, elementary school, the playground named in his honor, and the construction of Bishop O'Hara High School as the things he will long remember during his retirement at Villa St. Joseph in Dunmore.

"I think I've done my part in instructing you but you're the ones who have had to carry the ball. I just hope you won't forget to pray for me once in a while," he said.

With that statement the priest was given a standing ovation.

Later in the evening the 75-year old prelate shook hands and exchanged goodbyes with many in the audience.

#### SALE AND BETRAYAL OF THE INNOCENTS

#### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BRASCO. Mr. Speaker, my theme today is the relationship of the people and Government of the United States with the Jews of Russia. It is my fervent hope that my comments will reach a few people here and across our country who have not reached such a point of cynicism as to be immune to such arguments.

Today the world looks embarrassedly in the other direction while a series of policies is followed against the Jewish people which do no credit to their sponsors and advocates. We are being asked to join in or become a party to such policies. These arguments are made by many public figures in a number of guises, which I shall examine at length.

Before getting directly to the nub of the Soviet Jewish question, allow me to make a few points which complement my position, for they bear on Israel and the fate of the Jewish people in a number of ways.

Very recently a large number of so-called "unaligned nations" met in Algiers, hosted by a government bitterly hostile to the Jewish state. Most of these nations are not practitioners of democratic principles.

Thirty nations at the gathering were headed by military or civilian rulers who have never yet been subjected to the test of a fair, popular vote. Yet they con-

demned Israel, terming her an undemocratic state.

Among those leading the charge were democracies of the Arab world, led by such enlightened Jeffersonians as Quad-dafi of Libya and Feisal of Saudi Arabia. Our old and dear friend, Mrs. Ghandi, joined in, as usual practicing her double standard of morality. Institutionalized hypocrisy has rarely found such a noisy, crowded forum.

Recently Israel was condemned for forcing down an Arab airliner while seeking to capture George Habash, a man charged with perpetrating both the Lod and Munich massacres. No mention was made of the unspeakable acts of terror perpetrated by the terrorist movement. No mention was made of the international double standard prevailing in all so-called international tribunals insofar as Israel is concerned.

At the United Nations, the charade of international debate continues, amusing and fascinating only connoisseurs of the grotesque and ridiculous. Israel is condemned with monotonous regularity by a body which has never formally recognized the fact that Arab assassination squads roam the world, murdering Jews where they find them in the most heinous and ghastly manner imaginable. All they have been able to do is to condemn Israel for her strange habit of self-defense. Small wonder that the Israelis must resort to certain tactics when the United Nations acts in such an unconscionable manner at their expense.

Meanwhile, oil-producing states of the Middle East, known and respected the world over for the day in which they honor their oil contracts, are using their petroleum resource and Europe's dependence on them as a club against Israel. Arab promises would not float on their own oil. As soon as the ink is dry on one series of contracts, they convene a new conference with the Western oil companies, to extract yet another series of major price increases. These mainly affect Europe and Japan, who in turn have, in a panic, sought to influence the U.S. Government to turn on Israel. If Israel did not exist, the Arabs would still seek to extort further financial blackmail for as long as they could and for as much as they might get.

This sets the stage for questions revolving about Russia's Jews, who have struggled with increasing courage and boldness against a regime which has sought to institutionalize anti-Semitism so long characterizing Russian national existence. Hatred and persecution of the Jew is as Russian as vodka and black pumpernickel bread. The record of pogroms and massacres is as long as the history of that land. No one dares even try to dispute such facts. All they can do is try to dismiss them as irrelevant.

America has pledged her honor and public reputation to the cause of freedom for these people to emigrate and live their faith as they see fit. For that reason and that reason alone, the Jackson and Vanik amendments were brought into being and used to show the Soviets we mean what we say. It is the only language they seem to understand.

Desirous of gaining trade and grain from our Nation, the Soviets have grudgingly allowed a thin trickle of these incredibly brave Jews to leave for Israel. Throughout the Soviet regime and its Western apologists have loudly maintained the absence of any official anti-Semitism.

Yet, very recently, Russia's most eminent physicist, Dr. Andrei Sakharov, told Western reporters in Moscow that the Jackson-Vanik amendments were vital if the West were to be able to deal intelligently and from a position of strength with the Soviet regime.

There are a number of American firms who smell Russian gold. Like jackals sniffing the breeze, they are alert for a profit, and human rights become meaningless in the process. They mouth words like "détente" and "rapprochement," while really meaning "profits" and "more profits."

Some of these major American business firms, several planning large transactions with Moscow, are pressing a vigorous campaign on Capitol Hill to destroy the Vanik-Jackson amendments. They support a weakened version of the amendments, which would nullify their effect.

These honorable men and their companies join the ranks of American corporations still subscribing to good old fashioned virtues, like greed. Let us remember and immortalize them alongside such altruistic companies like Standard Oil of California, which sent out a letter to its employees and stockholders, asking them to take pity upon the Arab States of the Middle East, who have sworn to wipe out Israel.

Apparently these old-line capitalists do not read Dr. Sakharov's words, given to the West at risk to his well-being. All they are obsessed with is the possibility of making a "big buck" by dealing with the Kremlin.

The world seems to have a curious blind spot where the Jew is concerned. After all these people have endured for centuries, crowned by Hitler and the attempts of the Arabs to wipe them out in three wars, we have arrived at the present pass. American corporations and the administration trying at all costs to wriggle out from under the Jackson-Vanik amendments in order to justify trade with the Soviets.

The United Nations condemning Israel for trying to defend itself. The "non-aligned nations" meeting in solemn international conclave to abuse Israel. Everyone ignoring international terror and national bigotry aimed at a tiny people. Is this where mankind has evolved to after so many years of trying to construct a relatively civilized order? How terribly sad. How awfully immature. What a confession of human bankruptcy it all becomes.

In the late days of World War II, Eichmann offered to trade a million captive Jews for 10,000 trucks to be used on the Russian front. Before the Jackson and Vanik amendments were proposed with such strength here, Russia was selling Jewish human beings at a price, known by the euphemism of the exit tax. Now

further sales of these people are offered. The Arab states tell America and other oil consuming states that to pay for that oil they will have to abandon the Jews to their fate. Simultaneously, the few major American corporations chasing the laissez faire Holy Grail of vast profit in the steppes of Russia tell us that the price we must pay for their lush future profits, if there are in fact any, will be a sellout of the Jewish people in Russia. They mouth on about détente, but some people think they are really worshipping money, not the hope of peace.

It is really not all that complex. Basically it boils down to a simple choice. Will we keep our word as a nation, or will we sell our promise for Arab threats, Arab promises, Russian blandishments and the remote possibility that a few massive U.S. corporations will make a lot of money?

If we sell out the Jews, we may get Arab oil, until they decide to blackmail us and our allies further. We may be degraded in the eyes of the world. The Russians just might come through with massive profits for a few companies. After all, remember how good their word has been for more than 50 years? Remember how honest the recent grain deal was? Remember how well it turned out for the United States and the American consumer?

If we listen to Dr. Sakharov and the voices of the Jews of Russia, pleading for simple justice and the chance to leave to live as Jews, then we shall not receive windfall profits. We may have to do without further Russian grain deals. We may have to call the bluff of Arab despots and develop new sources of oil and energy here at home.

What is more important? Profit or the lives of innocent people to whom we have pledged our honor and trust? The Jews have only one reliable friend left; our country. The British and French have ignobly caved in to the oil despots, turning their backs on Israel. We are Israel's only strong ally remaining. The same rule of thumb applies to the Russian Jews. Only our resolve and denial of most-favored-nation treatment to the Russians ensures the right of emigration to Russia's 3½ million Jews. If we turn our backs on them, they are lost forever, and it will be on our consciences and a stain on our national escutcheon that will never be removed.

It has always been our proud boast that we had never drawn our sword to enslave people. Rather, we had only done so to free them. Today that may be a questionable claim. The Jews are the most bartered people on earth. More of them were slain in 1 day at Auschwitz than have been killed in all the lynchings of American history. This in no way denigrates the horror of lynching. Rather, it serves to show the enormity of crimes perpetrated against these people through history.

We have a chance as a nation to redeem our word to them, both to those in Russia and to the embattled state of Israel. It would be a sad day indeed if the United States of America sold out these people.

I do not know how we can balance off some of our recent history. But I do know that we can do the correct and moral thing now. Let us hurl the Arab threats back into the teeth of those who utter them. Let us prevent the Jackson-Vanik amendments from being weakened. We can do no less.

#### DREAM GREAT DREAMS

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. HANRAHAN. Mr. Speaker, recently the Perspective magazine of the Chicago Tribune reprinted excerpts from a speech given by George Johnson to the graduating class of Xavier University in New Orleans.

Mr. Johnson is president of Johnson Products Co. In 1954 he borrowed \$250 to start his business. This year he expects his company's sales to reach \$25 million.

The speech is directed to the young black American but the thoughts that Mr. Johnson puts forth as his credo for success are ones we would all do well to observe.

I would like to share this article with my colleagues as I feel it represents ideas and ideals which can be of benefit to all our young people.

The article follows:

"DREAM GREAT DREAMS"—BLACK BUSINESSMAN'S CREDO FOR SUCCESS

(By George Johnson)

I fully understand the impatience of young black Americans. It is abundantly clear why so many young people have attempted to accelerate, thru new and innovative efforts, affirmative change within the establishment.

Our job ahead is to produce more and more black Americans who are ready, willing and able to do their jobs in an excellent way.

Our objective must be to produce more who have planned and prepared to go into the world and conquer it—while realizing full well that the real world is not the world we wish.

It just happens to be the only world we have. It is the arena in which we must compete.

I kid you not, that arena is complicated, complex, and frequently deceptive. It is fraught with many pitfalls, not the least of which are the twin evils of segregation and discrimination. In order to beat the odds . . . black graduates must wear the mark of excellence at all times.

Today, 1973, we, as a racial group, are half way to democracy. For instance, we have half as many young people in college as we should have, we earn a little more than half of the earnings of our white brothers and have three times as many in jail as we should have.

That we survived and have fought and struggled to this half-way point, in just four generations, is no matter of shame. It is a record of the magnificence of a people about whom we can all be justly proud.

You are children of destiny. Therefore, we have to expect the very best from you in order that those who follow will have a better chance. All this is in your hands:



## DO NOT STOP LEARNING

This is commencement—the time of commencing—the time to add to your fund of knowledge. Most of you want to change the American system for the better. Good. But, no one is qualified to alter a system he does not understand.

## Be curious.

Discover all you can about yourself, your job, and this world. Learn not only from text books and teachers, but also from friends, enemies, and above all, remember that every life experience has something to offer. Be especially curious about our economic and political systems.

They control and run our country, and I am thoroughly convinced that these avenues present the best, and perhaps the only strategies to fulfill our aspirations for freedom and liberation.

## BE READY

Take advantage of all opportunities—not only when opportunity knocks at your door—but be ready to knock on opportunity's door.

## DO NOT HATE

Hate is unproductive. It creates nothing of value, and has a much more corrosive effect on the hater than the hated. Love is the only antidote to hate.

## HARBOR NO ENVY

Envy, like hate, is self-destructive. It is wise to emulate those who are successful. Strive to be like your models. But, never covet your model's possessions.

## NEVER BE VINDICTIVE

Do not hold a grudge. A grudge is inside one's self where it distorts the beauty of the spirit.

## BE PROUD

Never be arrogant. No matter how great your success or your achievements, always treat others with the dignity due them by reason that they are human beings so endowed by the creator regardless of life station. All achievers are proud people.

## DREAM GREAT DREAMS

Then plan and work to fulfill them. There are those who belittle dreamers. I don't. For, I know he who never dreamed, never had a dream come true.

## MAKE NO SMALL PLANS

Continue to develop your mentality of success. Establish the highest goals for yourselves and strive to achieve them. May I suggest to you that we never exceed our goals. We at times—temporarily fall short of the high goals. But, over the long haul, we never do better than we set out to do.

## BE DETERMINED TO SUCCEED

Do your job—every bit of it—exquisitely. Even do well the parts of the job you don't like. Some of the immature among us, speak of "doing their thing" which I have discovered is doing only that part of their life's work they enjoy.

Do your thing—and do it well, but be mindful that the unemployment offices are filled with those who only did "their thing."

## BE DISCIPLINED

Plan, prepare, establish, and meet targets. Be punctual and make regularity an inviolate habit. Keep in mind the important things in life are the things we do all the time—not the "sometime" activity.

## WORK FOR INTEGRATION, BUT UNDERSTAND IT WELL

The simplistic but misleading definition indicates personal relationships, usually of blacks moving to mingle with whites. My definition denotes integrating with opportunity. I advise all to go to opportunity wherever it is, and don't care who else is near it.

## BE HONEST

With yourself and with others at all times. Integrity is an absolute necessity for anyone in the pursuit of excellence.

## ALWAYS, REMEMBER WHERE YOU CAME FROM

Remember those who helped you grow and develop, and achieve from early life. Remember the university that helped you acquire the fund of knowledge which has brought you thus far on your way.

Don't forget where you learned to think—in an orderly and disciplined fashion. . . . As you progress, remember where you came from. And never fail to reach back and help others as you have been helped.

## HAVE FAITH IN YOURSELF

Be a person of worth, and know it.

## HAVE FAITH IN GOD, AND IN THE GOODNESS OF LIFE

Members of the greatest fraternity in the world, composed of good men and women of all generations, past and present, and of all races, who have given their lives in the quest for truth and in the service of humanity, have known that both life and power come from a supreme being.

The eternal law of justice and love governs the universe. Whoever breaks this law succeeds only in breaking himself. Once we lose reverence for God, we lose reverence for man and nature.

## FREE PRESS IMPERILED BY JOURNALISTS THEMSELVES

## HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. CONLAN. Mr. Speaker, many of us in the Congress have become all too familiar with the growing active involvement of the news media in the actual affairs of government.

Many members of the fourth estate, committed to a particular ideological position, have earnestly sought to become more than news reporters and commentators. They have become intimately involved as protagonists in public events, promoting them, shaping them, and then reporting them as they see fit.

This trend became apparent during the early days of the civil rights movement almost 20 years ago. But it has reached almost limitless proportions during the unfolding events of Watergate, in which correspondents and reporters are as much participants and actors in the drama as most key figures themselves.

As a result, many Americans now seriously question the objectivity and accuracy of news coverage and reporting, both in newspapers and on radio and television. Rightly or wrongly, the American press is now viewed by many as a growing threat to our free institutions by becoming a social engineer or change agent seeking to remake American society according to the ideological biases of some journalists and correspondents.

The editors of the Tucson Daily Citizen have stated their concern about this trend in their profession. They see advocacy and participatory journalism, where newsmen are protagonists in news events, as a serious and fundamental threat to freedom of the press itself. And they have

concluded that responsible members of the news profession themselves must end this abusive trend and return American journalism to standards of balance, fairness, and responsibility that originally were its proud hallmarks.

Mr. Speaker, I would like to include in the RECORD at this point an excellent editorial from the Tucson Daily Citizen and an equally poignant column written by Paul McKalip, the Citizen's editor, characterizing the danger of these abuses to the news profession.

With them, I would also like to include an article by Thomas Collins, of Newsday News Service, that succinctly details the extent of unethical press involvement in the Watergate inquiry.

This commentary appeared in the Citizen on August 29, and deserves the most serious attention of all public officials and citizens, as well as members of the journalism community:

[From the Tucson (Ariz.) Daily Citizen, Sept. 29, 1973]

## ANOTHER WATERGATE ABUSE: REPORTERS AS PROTAGONISTS

The press, which through the efforts of some of its members achieved one of its finest hours in the uncovering of the Watergate scandal, now is seeing itself become tarnished by ensuing events.

Both the "Letter From The Editor" on this page and the principal story on the adjoining Perspective page reveal the extent to which some members of the press have become involved as actors in the Watergate affair.

It is axiomatic that when a newsmen becomes a protagonist in a news event, objective coverage of that event flies out the window.

That is why one of the first lessons a budding journalist must learn, in school or on the job, is to avoid personal involvement. Such involvement by those who report the news is always to be shunned—and most newspapers strive to keep it that way.

The ideal is not always attained. There are occasional slips by individual reporters and various members of the media. Newspaper people are human, too.

But what has been going on in the coverage of the Watergate saga appears to be mass dereliction of the duty to remain objective. The intended justification for departing from the role of observer-reporter and becoming a participant is that it is being done in order to bring out the whole truth.

In other words, it's the old—and always faulty—story of the end justifies the means.

It is no secret that the "end" of bringing down President Nixon would satisfy many persons who have the privilege of reporting the news to the American people. In this case, the target is so toothsome for them that they are willing accomplices.

Not only have reporters fallen into this trap, but so have various newspapers and television outlets—an even greater blow to the credibility of the nation's news media.

Therefore, it was not without regret that the Tucson Daily Citizen decided to publish the Perspective page analysis, written by Thomas Collins of Newsday, of the role played by the press thus far in the Watergate events.

Although the Citizen strongly supported Richard Nixon in the last two presidential campaigns, that did not keep this newspaper from editorially denouncing the Nixon Administration for this tawdry chapter in presidential affairs.

Still, it is the Citizen's hope that President Nixon will survive the Watergate catastrophe and continue to govern the nation effectively.

Because of that hope, the Citizen undoubtedly is more sensitive to unfair news

treatment of the President than anti-Nixon newspapers would be.

Recognizing all of that, we nevertheless are persuaded that the abuses that have resulted because members of the press have become participants in the Watergate drama must be pointed out.

Not only that, these abuses must be denounced and attacked until they are halted.

Otherwise, the free press of America will come to be known as an unfair press—and with the serious consequence of jeopardizing its own freedom.

LETTER FROM THE EDITOR: "PRESS" ON THE PROWL

(By Paul McKalip)

I do not claim that the Tucson Daily Citizen is "the press" any more than I accept the misconception that the Washington Post and the New York Times are "the press."

Nevertheless, I concede that the Post-Times axis comes close to being "the press" on the Washington scene where their reporters are in full cry in a fox-and-hounds chase with President Nixon as their quarry.

There is another force on the Washington news front, however, a force that should be providing a balanced report of the news. It is made up of the professional journalists who comprise the capital staffs of the two national wire services, Associated Press and United Press International.

Every segment of "the press," virtually all of the daily newspapers in all the 50 states, relies on either or both AP and UPI for complete on-the-scene news coverage. The Citizen, desiring to have the fullest possible national reporting, takes both AP and UPI services. The double cost is reflected in added value for Citizen readers.

Regretfully to say, both AP and UPI have seemed on occasion to forget their larger responsibility for full and fair coverage. I refer, as you might surmise, to Watergate news coverage.

One glaring error of omission on the part of both wire services has been explored thoroughly by us in recent weeks.

On June 14, Sen. Carl Curtis, R-Neb., in a speech in the Senate, made a strong indictment of Democratic majorities on Senate investigating committees. He was speaking from personal experience earlier as a member of the Senate Committee on Rules and Administration when it investigated the Bobby Baker scandal during the Johnson administration.

That committee was charged with probing the machinations of Bobby Baker's rise from fair-haired page boy to multimillionaire while operating under the Capitol dome (and under Johnson's patronage).

Sen. Curtis declared in his June speech that every effort to tear the lid off the Baker case had been blocked "by a straight (Democratic) party vote."

For anyone interested in honesty in politics and government, which is what the current Watergate committee investigation is supposed to be about, Sen. Curtis' speech was timely and pertinent.

The Citizen and hundreds of other newspapers did not carry a word about the Curtis speech—because they did not receive the stories they should have received from either of their responsible Washington news sources, AP or UPI.

We learned about the speech much later and indirectly. Finally, the Citizen developed its own complete story and published it July 20.

Then we wrote stern letters to top executives in New York of both AP and UPI.

H. L. Stevenson, editor of UPI, responded with a renewed pledge of "dedication to the fairness doctrine."

Conrad Fink, assistant general manager of AP, gave us a two-page report and admitted: "Simply stated, we booted it." He added:

"We have reviewed this (mishandling) with our staff to make certain there is no repetition."

The explanation of how AP "booted it" came more clearly into focus when we received a special article from our Newsday service on the subject of Watergate news reporting.

The Newsday article, which is published today on the Perspective page opposite this page, stands as a credit to "the press" in the full sense of that term. The article exposes clearly the way in which those who are "the press" in Washington have taken unto themselves a "proprietary interest" in Watergate.

In so conducting themselves, professional journalists have breached their trust as members of the separate and independent Fourth Estate. Newsday analyst Thomas Collins goes so far as to compose this indictment:

"Besides being a physical presence on the scene, the press is playing an active role in the proceedings and may shape the outcome in ways that have not yet been measured."

That kind of involvement, whether born of bloodlust for a hounded Nixon or spurred by individual dreams of journalistic glory, is not just unbecoming of those who represent newspapers and their readers all over the country. It is downright unacceptable conduct in the eyes of many of us who also claim a share of being "the press."

We in Tucson, together with many others in newspapers elsewhere, will hope that our wire service forces in Washington will return to the Watergate story, when the hearings resume, with a regained sense of balance, fairness and responsibility.

ETHICS OF JOURNALISM VIOLATED: PRESS ENJOYING "FREE-FOR-ALL" WITH WATERGATE STORY

(By Thomas Collins)

The Watergate press corps has been dug in on Capitol Hill for the past few months like an army holding a strategically vital position. It holds the high ground, so to speak, in the Battle of Watergate, and its presence symbolizes the fact that the press has a proprietary interest in this story as it seldom has had before.

So entangled has the press become in Watergate that it sometimes breaches its own doctrine of the separation of powers. Notes passed from newsmen to Senate committee aides not infrequently result in questions put by the senators to witnesses in the television-lit caucus room. Senators solicit the superior information the press has about many of the details and nuances of Watergate.

The two sides sometimes trade information, and the press, unhappy about a line of questioning, will try to initiate an area of inquiry through the stories it writes or by a word dropped to a committee staff member.

Members of the Watergate press corps are distinguished by their stamina, and by the fact that many of them have been covering the story for more than a year and the Senate hearings since they began.

They can remember the date of the McCord letter and can probably recite the names of all seven Watergate defendants. They can recall pretty accurately who contradicted whom, what Ehrlichman said, what Mitchell said. Some of them, as a wire service editor said, are walking repositories of the thousands of pages of testimony and documents that are so much a part of Watergate.

FATIGUE AND PANIC

They are also wrist-weary from taking notes for six or seven hours a day and panicky about getting caught in Washington traffic at deadline. Some of the newsmen and women sitting in the Caucus Room have made the White House "enemies list." They work 12 to 18 hours a day, neglect their fami-

lies and tend to lie around the house on weekends. They go to sleep with Watergate voices in their ears and Sam Ervin's eyebrows dancing in their heads.

At lunch time they can be found at the Carroll Arms restaurant around the corner from the Old Senate Office Building or typing up their notes in the Senate press room within the sound of the tourist lines.

Mary McGrory, the syndicated columnist for the Washington Star-News, who has been audited twice by the Internal Revenue Service, carries a sandwich to a nearby park and lets the greenery blow Watergate from her mind. "It's reviving," she says.

There is no composite picture of the Watergate reporter that would not be unjust to some, but in general they are an anti-Nixon crowd who, at the same time, pride themselves in attempting to report the story accurately and fairly.

They generally regard the proceedings in the Caucus Room as show business or "good theater" and have developed a cynical tolerance for the "star" value of Ervin & Co., which has resulted in the blossoming of "Uncle Sam" sweatshirts, presidential drums for Sen. Howard Baker and boxes of cigars for Sen. Herman Talmadge.

Most Watergate-hearing reporters knew the Senate committee members before they became TV personalities and are as irreverent toward them as they are toward Nixon.

Physically, the newsmen and women are tired, but not unhappy. Watergate is the benchmark of their journalistic lives as well as a way of life itself. It seems to go on and on.

"I think I'll be involved in it for the rest of my life," says Ben Bradlee, the executive editor of the Washington Post. "We won't see the likes of it again."

STORIES NEGLECTED

Like most reporters and editors in Washington, Bradlee worries about the stories that are being neglected because of the resources being used on Watergate. If government work is slowed down because of the scandal, some of the work it is doing is getting short shrift from the press.

One government agency official complains that he cannot get the coverage for his programs that he did in the past. "I've been told there are no camera crews available or any photographers. Watergate is taking up all the manpower."

In size and numbers the media have thrown almost as many troops into the story as into the Vietnam War. It would be safe to say that at least a third of the entire Washington press corps is on the story, either through the hearings or its related strands.

PARTNER, NOT WITNESS

United Press International uses up to half of its Washington staff of 70 each day on Watergate and related stories, turning out about 25,000 words a day, including the transcript of testimony and texts of documents. Most newspapers are so preoccupied with Watergate that many Washington stories are being left to the wire services.

In all there are about 285 accredited correspondents covering the hearing and about 150 radio and television technicians, at least half of whom are usually present in and around the Caucus Room.

But besides being a physical presence on the scene, the press is playing an active role in the proceedings and may shape the outcome in ways that have not yet been measured. It is more than a silent witness and recorder of Watergate; it is a full-fledged partner in the event.

During the hearings newspaper articles have been offered into evidence and studied for information. Cameras relentlessly recorded the proceedings. The press kept the story going when it appeared from time to time that it would die, and the press has been



consistently injected into the story by the committee, by the witnesses and by its own efforts to get at the facts.

The administration plants stories to discredit former presidential counsel John W. Dean III and tries to use the press to smear George McGovern and the peace demonstrators of 1972. The Senate Watergate Committee seeks out the press for information and trades it for leaks, and the newsmen leap over the traditional barriers that divide participants from spectators.

The result is a media free-for-all.

CBS newsmen Daniel Schorr has even been approached by Senate aides soliciting questions to feed to their bosses, but he has turned them down. "I stay away from the senators," he says, "I have a great fear of television influencing the event, of staging things."

#### CHAFING AT GAPS

During the hearings it was perhaps inevitable that newsmen—interrogators themselves—found themselves chafing at gaps in the questioning of witnesses and tried to fill the gaps wherever they could. One way they found to do it was to get their questions to the committee and hence to the witness in a sort of circuitous news conference.

Schorr, for instance, when Haldeman was on the stand, expressed dissatisfaction to Samuel Dash, the majority counsel, with the questioning of Haldeman about the White House tapes. He ticked off a number of questions that he said were unanswered.

Later, he said it was "just about the first time I have ever done that, and it was done out of frustration and more to find out if Dash had answers to my questions, I'm looking for information; I'm not trying to inspire questions."

Other reporters covering the hearings pass notes through the committee attorneys or senators' press aides. Not all the reporters do it, and the exact number doing so is impossible to determine, but if the White House tried to plant questions with reporters at a news conference, the press would be the first to object.

Most of the questions get asked, according to Dick Magowan, press aide to Sen. Lowell P. Weicker, R-Conn. Magowan regularly receives the questions and channels them to Weicker.

An aide to Sen. Howard Baker, R-Tenn., said he got "two or three" such notes a week and passed them on. While he was standing in the committee room, he took one out of his jacket pocket. It was unsigned.

"I haven't had a chance to pass this on yet," he said. The question was for former Central Intelligence Agency Director Richard Helms, who was testifying that day. "Has the CIA perfected the psychiatric profile into a useful domestic tool?" it read.

#### "THEIR BABY"

An attorney for the majority staff also confirmed that the practice existed. "They pass notes up here all the time," he said. "Whether they're used depends on how good they are. They (reporters) are bright guys, and they want to be useful. After all, they broke the story, we didn't. This is their baby."

One reporter found an old news article that she thought contained information important to the committee. "Get this to Inouye (Sen. Daniel Inouye, D-Hawaii) right away," she said. "He should know about that," asked whether she thought the press should have that kind of relationship with the committee, she said, "Well, it goes on all the time. Don't print that, or you'll get me in trouble."

Trading information developed early as both the committee and the press were digging for the story. In one example of the quest for information, two senators on the committee tried to make a deal with the

Washington Post. They approached Post Executive Editor Benjamin Bradlee to discuss it.

"They wanted to play a little 'show and tell,' Bradlee said. 'We'll tell you and you tell us, I told them to buzz off.' The Post is still pursuing Watergate with five investigative reporters, including Bob Woodward and Carl Bernstein, who dug up most of the original revelations about Watergate. The Post's court reporter is covering the hearings."

Opinions vary among newsmen about the propriety of suggesting questions and trading information. Bradlee says flatly that the practice is bad. "True journalists belong in the audience, not on the stage, with all their independence intact," he said. "That's a cardinal ethic."

James Squires of the Chicago Tribune, who is covering the hearings, said he found it difficult to condemn the practice of trading information because of the intense pressure in the pursuit of the Watergate story.

"If you step back, you may see some good purpose in bringing out the truth. I don't see any danger in trying to get the story out. If you were suppressing a story, that would be a danger and would raise a serious question of ethics."

#### BETTER INFORMED

Mary McGrory points out that "reporters have been covering the story for so long they are more familiar with it than the senators, and there are such gaps of information. The reporters can't get at it, and they hope the senators can get it for them."

One method the press uses to get questions asked is to mention the unanswered questions in the articles they write, enabling the committee to pick them up. That method is favored by James Naughton of the New York Times, who questions the propriety of passing notes and said he was unaware of the practice.

"I have qualms about doing it surreptitiously," he said, "because it might create the appearance of collusion between the press and the committee, that they were out to get somebody. It's better to do it in print."

#### NO VENDETTA

The press insists that it does not want to get anybody; and to its credit it has been playing both sides against the middle: It takes leaks wherever it can get them.

"The story boils down to two things," Squires says. "Nixon's guilt or Nixon's innocence. If you pursue stories about Nixon's innocence as much as you do stories about his guilt, you have nothing to worry about. I don't know of a single guy who wouldn't go after a pro-Nixon story as quickly as he would an anti-Nixon story."

One aspect of the press' attitude was perhaps summed up by a wire service reporter who said he did not care whether Nixon was guilty or not, just that Watergate was one heck of a story.

His only interest in the possibility of impeachment was, "I've never covered an impeachment before."

#### A TRIBUTE

### HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. McSPADDEN. Mr. Speaker, the contribution of television station KTUL-TV in Tulsa, Okla., which serves not only Tulsa, but much of Oklahoma's Second District, to the impressive Jerry Lewis Labor Day Telethon on the behalf of the

muscular dystrophy fund is to be highly commended.

The video media brings into thousands of homes talent and pleas which are answered, as usual, with generosity from Americans, who are generous people. We are informed that through the various participants, and KTUL-TV's performance, a total of \$94,447 was raised.

We add words of praise to John Chick and Hugh Finnerty who were literally on their feet 36 hours in a tremendous effort to raise more money than has ever been raised before by Jerry Lewis' impressive and outstanding contribution in an attempt, which we know will be eventually successful, to find a cure for MD.

Again, all concerned are to be commended, Mr. Speaker, but most specifically, management-ownership and staff of KTUL-TV.

#### FEDERAL ADVISORY COMMITTEES: THE FIRST YEAR

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. OBEY. Mr. Speaker, the press and the public must share responsibility with the Federal Government for its failure to open up more meetings of the 1,400 citizen advisory committees that influence virtually every area of Federal policymaking.

The effort by Congress last year to convert the Freedom of Information Act into an open-meeting law for advisory committees—operated by more than 50 executive branch agencies at a cost of more than \$25 million a year—could prove to be a colossal dud unless more meetings are opened up and the public takes more interest in them.

As we approach the first anniversary of the Federal Advisory Committee Act (Public Law 92-463), which was signed into law by President Nixon on October 6, 1972, I should like to call attention to the problem of no-shows at open meetings, and report the results of a survey I made of open and closed meetings.

Mr. Speaker, consider the irony involving the splendid report, "Records, Computers and the Rights of Citizens," recently submitted by an advisory committee and rightfully given wide publicity, which warned of the dangers if inaccurate information is fed into a computerized clearinghouse such as the FBI's National Crime Information Center—NCIC.

Massachusetts considers the danger so real that it has refused to plug its criminal history files into the NCIC until safeguards against potential abuse have been guaranteed.

Given the new advisory committee law and presumably widespread public interest in the subject, the FBI's NCIC Advisory Policy Board scheduled a public meeting—its first ever, I believe—last Thursday and Friday in Kansas City, Mo.

I inserted the meeting announcement in the RECORD more than a week in advance, and the advisory panel booked a large meeting room to accommodate the expected crowd. So what happened?

On the first day, September 13, except for jurists and other guests attending by invitation, no one showed up. No newspaper reporter or other citizen bothered to attend.

On the second day, according to a spokesman in the FBI's Computer Systems Division, one person, who may have been a reporter, did show up. Only one person not expressly invited bothered to attend this public meeting. If this is indicative of public interest in a subject that could touch on the lives of nearly everyone, then there is little hope of improving the open-meeting performance of Federal advisory committees generally.

In this connection, I might note that I made a survey of advisory committee meeting notices published in the Federal Register from Tuesday through Friday last week and found that 47 percent of them were slated to be closed in whole or in part.

The law permits excluding the public if it is determined that a meeting will be concerned with matters which the Freedom of Information Act exempts from mandatory disclosure, providing the authorized Federal official makes that determination in writing and includes the reasons for it.

Here is what my survey showed:

Of the 43 meetings announced, 20 were to be closed in whole or in part. Discussion of proprietary information in connection with Federal grants or contracts was the reason most often given—six times—followed by the claim that the committee discussion, if written, would enjoy the protected status of an intra-agency memo—five times—or that classified information would be presented—three times. In two other cases, a claim of potential invasion of privacy was cited. In another instance, the reason given was national defense, and in another, that the information to be discussed was protected from disclosure by statute.

There may well be some flimflam among those 18 stated reasons. Certainly, the 19th and 20th are not recognized in the law: That the meeting involved "possible governmental actions" pertaining to Phase IV economic controls, and, in the other, that qualifications for chairman of the advisory committee, and membership on it, would be discussed.

Unfortunately, the problems of closed meetings and nonattendance at open ones tend to blot out the gains made by other agencies and advisory committees that have taken the law to heart.

For example, the new Consumer Product Safety Commission in effect placed a nationwide public advertisement last month for citizen volunteers to serve on its 15-member advisory council. So far the effort has yielded some 250 applications from persons interested in serving.

Again, many of the advisory committees of the Department of Health, Education, and Welfare have abandoned past practice, made an effort to go public and found no hindrance to formulating ad-

vice on tacky scientific, medical, and administrative questions in public.

Mr. Speaker, it was 1 year ago, on September 25, 1973, that I accused the Environmental Protection Agency of double-think for decreeing that meetings of its water and air pollution advisory boards be closed to the public in order to promote "free and frank discussions concerning policy issues."

Advisory committees have come a long way since then, under the new law, but there is still a long way to go.

#### SURVIVAL KIT FOR SHOPPERS

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. HARRINGTON. Mr. Speaker, I have introduced two bills on September 5 whose provisions are designed to equip the Nation's shoppers with a "survival kit" to combat rising food costs brought on by the combined forces of inflation and misleading advertising. H.R. 10069, the Food Labeling Act of 1973, and H.R. 10070, the Unit Price Disclosure Act of 1973, are aimed at overcoming specific obstacles shoppers confront in local supermarkets when they try to purchase nutritious food at reasonable prices.

Food prices are rapidly rising to their highest level in history. During the first quarter of 1973, they stood at 31.5 percent above their 1967 levels. The cost of advertising has combined with the problem of inflation to drive food prices even higher. Today, more than \$4 billion is spent on food advertising. But this advertising, instead of being instructive and informative, merely conditions the consumer by the use of catchy phrases and clever gimmicks to recognize brand names. Uninformative slogans like, "The Breakfast of Champions," "Mmmm Good," and "Melts in Your Mouth, Not in Your Hand," instead of tips on nutrition, seem to be the trend today.

In this time of inflationary costs, it is critical that the Government help the consumer put his dollar to the best possible use. The time has come to guarantee that every American will be able to obtain adequate information regarding the most nutrition he can receive for the least money.

The Food Labeling Act of 1973 would, therefore, provide four aids for today's customer. First, grade labeling provides a system by which foods would be graded on a scale of A-E, with "A" being the finest quality food and "E" being the poorest. This information would be displayed in plain, concise language so as not to lead the shopper astray. Grade labeling will help to explode the brand name myth, the belief that national brands are tastier and healthier than private brands of supermarket chains. This type of grading will conveniently inform the shopper that while nationally advertised brands are often as much as 20 percent more expensive than their

independent counterparts, their quality is almost identical.

Second, percentage ingredient labeling provides the shopper with a device for showing the proportion of a given ingredient—like meat—in a given product—like potpie.

Third, nutritional labeling provides the consumer with the amount of nutrition in a given food. Measures of vitamins available in today's foods indicate that they provide 81 percent of the vitamin A and 91 percent of the vitamin C contained in the foods of 1945. Studies have shown that cereals consist of "empty calories" as far as nutrition is concerned, but as of now we have no way of illustrating these facts to the shopper.

Lastly, this bill would provide "expiration dates" after which perishable foods should not be purchased. The provision on perishable foods requires the display on a food product of the deadline after which the product can be expected to spoil, lost its nutritional value, or lose its taste and, therefore, should not be purchased.

The Unit Price Disclosure Act institutes national "unit pricing," requiring the display of a "per weight" price for every food product so the shoppers, for example, can compare the per pound cost of products that come in different sizes. Because some small stores may be burdened by unit pricing, this legislation has exempted stores which have gross sales of less than \$250,000 per annum.

Together, the Food Labeling Act and the Price Disclosure Act will help penetrate the mystery which surrounds the food we eat.

Mr. Speaker, these bills are now pending before the Interstate and Foreign Commerce Committee's Subcommittee on Commerce and Finance, and I hope hearings will be held.

Senator MAGNUSON has introduced identical legislation in the Senate.

GOD AND COUNTRY, PSALM 33:12

### HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. QUILLEN. Mr. Speaker, I have had the opportunity to read a great, patriotic sermon delivered by an outstanding pastor in my district.

Dr. Andrew E. Spence, pastor of the Cold Springs Presbyterian Church in Bristol, Tenn., preached a moving sermon entitled "God and Country," on July 1, 1973.

This sermon was sent to me by Mrs. Joe K. Thomas, Jr., of Bristol, a member of his church, who was present when the oration was delivered.

Dr. Spence in his very inspiring message says,

I am the Nation. I was born on July 4, 1776, and the Declaration of Independence is my birth certificate. The bloodlines of the world run in my veins, because I offered freedom to the oppressed. I am many things, and many people. I am the Nation.



Over the past decade we have witnessed the decline of patriotism, and his sermon reminds us, "Let us sing a song of praise and thanksgiving to God for the greatest Nation on Earth."

Mr. Speaker, we have seen our flag burned and desecrated by rebellious youth. We have seen our national leaders harrassed and heckled, and we have seen our system of government, which our Founding Fathers created with such dedication and loyalty, abused.

Today, we are faced with high food cost. We are faced with an energy crisis. We are faced with devalued dollars and with inflation, and we are faced with many other crises.

With so many pressing problems demanding our attention, there are those who easily begin to feel despair—to feel that everything is wrong with our country and nothing is right—but we must have faith.

To restore confidence in this great Nation, one has only to take time to reflect on all the good things for which our flag and country stand. One has only to see Old Glory to gain a deep emotional pride that he is a citizen of the United States of America and to recognize that our flag is the soul of this great land. One has only to remember our many heroes from George Washington and Patrick Henry to the POW's, MIA's and those who have so gallantly served throughout the history of our country and who have given everything that is dear to them to protect our precious freedom.

In this fast-changing world in which we live, we need to take time to reflect on the privileges and opportunities with which we are endowed as a result of the actions of these brave men. As Dr. Spence suggests, we need to get back to the paths of patriotism.

I would like to share Dr. Spence's sermon with the readers of the RECORD:

GOD AND COUNTRY—PSALM 33: 12

(Preached by Andrew E. Spence, Jr., Ph. D.)

The Apostle Paul was patriotic. He had a love for his home city. He spoke of himself at one time as being "a citizen of no mean city." Paul had a deep love within his heart for the city of his birth.

Nehemiah, the ancient prophet, had a great love for his homeland. In exile in Babylon, learning that a brother had arrived from Jerusalem, he sought him out and said, "How are things back home?" When he learned that the city had been destroyed, the walls of the city broken down, the gates burned with fire, Nehemiah sat down and wept, so great was his grief when he learned of the destruction of the capital city of his homeland. Sir Walter Scott wrote the well-known words, "Breathes there a man with Soul so dead Who never to himself hath said, This is my own, my native land." Sadly, it must be said, there are many in America today who have no such feelings toward their homeland.

There is not the thrill in some at the sight of the flag waving high. Some do not have that deep emotional pride that we are citizens of the United States of America.

I feel that one of the greatest needs that faces America is the need to get back to the paths of patriotism.

Thank God for those who have made our freedom possible. Anything precious is costly.

Freedom is a very precious thing. It cost a great deal. The price paid was the toil, the hardship, the suffering, and even death have made it possible for us to assemble today and worship in Cold Spring Church on July 1.

There were some who took great risks.

One hundred and ninety seven years ago, 56 men, representing 13 colonies, met in the city of Philadelphia to decide what should be done. On the Fourth of July 1776, they approved the Declaration of Independence, written by Thomas Jefferson, age 33. The first of the representatives to sign it was John Hancock. He signed it with a large and flourishing hand, because he said he wanted King George to be able to read it without his spectacles. The others signed it. It took courage to sign that paper. This is something we forget. Those men were laying their reputations, their fortunes, and even their lives on the line. When Charles Carroll signed, someone said, "Mr. Carroll, if our cause fails and we're all arrested and tried for treason, there are so many Carrolls around they won't know which one you are." "All right," he said "I'll sign my name Charles Carroll of Carrollton so there won't be any misunderstanding."

These half a hundred men knew that they were possibly signing their own death warrants but they were willing to take the risk, not only for themselves but for us. There were some who suffered great physical hardship.

At Valley Forge the Revolutionary soldiers suffered great hardships. They were underpaid and sometimes not paid at all. They were underfed. They were poorly housed. They were poorly clothed. We think of them as heroes. They were. But they didn't think of themselves as heroes. They were doing it because they loved the thought of Independence. Down through the history of America a major war has been fought every twenty-five years and all for one purpose—to keep our nation free. During World War II \$354 billion was spent on our nation to maintain its freedom and to help other nations remain free. What about the 45,943 Americans that have lost their lives in the past 8 or 9 years in Viet Nam! What about the 1,334 men still missing whose whereabouts are only known to North Viet Nam and the Viet Cong! What about the more than 500 prisoners of war who died daily psychologically and physically in North Viet Nam in the bamboo cages of South Viet Nam! Did you see them on stretchers pulling themselves up to salute the flag when they returned? They knew better than anyone else what real independence could mean to a person. They were willing to kiss the soil of America. Did you see the crude flag which was printed "God bless America?"

Some of these men had been shackled, kept in bamboo cages like animals but they saluted.

On February 2, 1973, Andrew Tully had an editorial in the Bristol Herald entitled, "Must Majority Bow to Minority?" In this editorial he began by talking about the Olympic Invitation meet at New York's Madison Square Gardens in January. Because a minority group felt that they did not want to have the National Anthem they decided not to play it at the Olympic Invitation. A storm of protest was received by the committee and they decided that they would play the National Anthem. But that was not the end of it says Andrew Tully.

Upon investigation it was learned that a number of colleges around the country during the basketball season would not have their players to come out of their locker rooms until after the playing of the National Anthem because of minority groups who would not stand during the playing of the Anthem. And rather than create a scene or make it embarrassing on the team or the minority group they just stayed in the locker

room until after the playing of the National Anthem. (To me this should have been grounds to disqualify them from ever playing on any team in the United States—the country that was giving them the freedom to go to college and play basketball). Mr. Tully continues by saying that colleges no longer have the anthem played before home games.

"Sure we worry about the reaction of dissidents—whites as well as blacks" a college president admitted after he was guaranteed anonymity. "We don't want to encourage incidents that could cause general disorder. You can call it craven, but I just don't think we should force a showdown on this issue."

"Well, Mr. College President," says Mr. Tully, "I will call it craven. I would call it a few more things if this were not a family newspaper. For better or for worse, playing the national anthem at a sports event has become a tradition in America. Nor did we initiate the practice. Long before 'The Star Spangled Banner' became a fixture at baseball and football games and other athletic exhibitions, European nations had beaten us to the practice of playing more-or-less musical tribute to their national heritage."

So far as I've been able to learn, crowds in Europe generally are well behaved during the playing of a national anthem, although at an international event they may have to stand through as many as 25 anthems. Indeed, at boxing matches in Switzerland, they play the anthem of each fighter's country, the Swiss anthem and even that of the referee's homeland. There is not the protest we have here.

Canada takes a more ambivalent view where the United States is concerned. In Montreal, "The Star Spangled Banner" used to be played before professional hockey games involving American teams. That no longer is the case. A spokesman for Montreal Canadiens, explained that there is "a lot of sentiment against the Vietnamese War" in our country and we have a lot of Americans who came here to escape the draft. We don't want any incidents.

That doesn't sound like a gratuitous insult to a whole nation. Canada's official relations are with all the people of the United States, not with a tiny minority of draft dodgers in Canadian exile. Grown-ups would not ponder to gaggle of copouts, but Canada apparently is a special case. Certain of its citizens even boo the playing of "God Save the Queen."

But that's Canada. Let it stew in its own insecurity. What is sickening is the surrender of Americans at home to childish minority groups of athletes who will do anything to get attention. Must the majority abandon all traditions, big and small, simply to placate the minority?

I think not, whether the national anthem should be played before or during sports events is not the issue in my book. The question instead is whether it may be played without precipitating a brawl by professional malcontents, and since the Republic has not yet descended into anarchy there can be only one answer. Besides, imperfect as we all are, the admission of that fact and our determination to be better is "What so proudly we hail'd" is all about.

I was so very humiliated and embarrassed during the Olympics in Munich when I saw athletes from America who would not give respect to the flag or the playing of the National Anthem.

Do you know what other countries thought of this? From the stands they booed. These were not Americans. These were people from other nations booing Americans because they had such little respect for the country that had made it possible for them to go to the Olympics and to play there and be honored.

What has happened to the spirit of the young school teacher, Nathan Hale, who serving under General George Washington

when captured by the British and sentenced to be executed as a spy, just before his death drew himself up to his full height and uttered words that have come ringing down across the years to thrill the hearts of school-boys in every generation.

"I only regret that I have but one life to give to my country."

If we have lost that spirit, we have lost something precious indeed.

De Thou has said, "After what I owe God, nothing should be more dear or sacred than the life and respect I owe to my country."

The words at the base of the Statue of Liberty are very significant. This 450' tall statue, a gift from France in 1884, has this message written by Emma Lazarus:

Give me your tired, your poor  
Your huddled masses yearning to breathe free

The wretched refuse of your teeming shore,  
I lift my lamp beside the golden door.

An article entitled "Our Salute to the Flag" by Lucille J. Goodyear tells the story of the Pledge of Allegiance.

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

These meaningful words evolved from a patriotic salute first printed in "Youth's Companion," a juvenile magazine, published in Boston, Mass. in September of 1892.

Previous to its appearance, James B. Upham, an editor on the magazine's staff, was involved in an all-out effort to have flags placed in every school room and on every school building. In conjunction with this drive the "Pledge of Allegiance" was written and published and distributed to schools throughout the country.

Teachers were pleased with the words of the pledge and most enthusiastic with the magazine's suggestion of using the salute in upcoming Columbus Day school program.

Thus the 400th anniversary of the discovery of America in 1892 was commemorated in many schools with ceremonies that included flag-raising and recitation of the pledge.

In 1942, Congress proclaimed it the official Pledge of our nation. The original text as printed in 1892 has been changed several times. The original wording contained the phrase "my flag" which was changed more than thirty years later to "of the United States of America," following the word "flag."

The insertion "of the United States of America" was intended to particularize this country for naturalized citizens and immigrant children.

On Flag Day, June 14 of 1954, President Eisenhower signed a bill, making the addition of the words "under God" official. This bill also directed attention to the original pledge and its history.

When the President signed the bill that added "under God" after the word "nation," he remarked that "in this way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen these spiritual weapons which forever will be our country's most powerful resources in peace and war."

Today the recitation of the "Pledge of Allegiance" marks the start of the school day for millions of children. In many states the daily recitation is required by law.

It can be said that the Pledge belongs to every American, but especially the school children. It was written for them. It was first repeated by them. And, it has helped, through children, to increase the devotion of all citizens to our flag and our country.

When we repeat the Pledge, we promise

to obey the laws of the United States, to be loyal to the ideals for which it stands, and to our nation. The War Between the States proved us to be—"one Nation indivisible." The remainder of the pledge is a challenge to everyone. We must so live and work to make this country a nation "with liberty and justice for all."

Listen to words from our nation—our heritage:

#### I AM THE NATION

I was born on July 4, 1776, and the Declaration of Independence is my birth certificate. The bloodlines of the world run in my veins, because I offered freedom to the oppressed. I am many things, and many people. I am the nation.

I am 195 million living souls—and the ghost of millions who have lived and died for me.

I am Nathan Hale and Paul Revere. I stood at Lexington and fired the shot heard around the world. I am Washington, Jefferson and Patrick Henry. I am John Paul Jones, the Green Mountain Boys and Davy Crockett. I am Lee and Grant and Abe Lincoln.

I remember the Alamo, the Maine and Pearl Harbor. When freedom called I answered and stayed until it was over, over there. I left my heroic dead in Flanders Fields, on the rock of Corregidor, on the bleak slopes of Korea and in the steaming jungle of Viet Nam.

I am the Brooklyn Bridge, the wheat lands of Kansas and the granite hills of Vermont. I am the coalfields of the Virginias and Pennsylvania, the fertile lands of the West, the Golden Gate and the Grand Canyon. I am Independence Hall, the Monitor and the Merrimac.

I am big. I sprawl from the Atlantic to the Pacific... my arms reach out to embrace Alaska and Hawaii... 3 million square miles throbbing with industry. I am more than 5 million farms. I am forest, field, mountain, and desert. I am quiet villages—and cities that never sleep.

You can look at me and see Ben Franklin walking down the streets of Philadelphia with his breadloaf under his arm. You can see Betsy Ross with her needle. You can see the lights of Christmas, and hear the strain of "Auld Lang Syne" as the calendar turns.

I am Babe Ruth and the World Series. I am 130,000 schools and colleges, and 320,000 churches where my people worship God as they think best. I am a ballot dropped in a box, the roar of a crowd in a stadium, and the voice of a choir in a cathedral. I am an editorial in a newspaper and a letter to a Congressman.

I am Eli Whitney and Stephen Foster. I am Tom Edison, Albert Einstein and Billy Graham. I am Horace Greely, Will Rogers and the Wright brothers. I am George Washington Carver, Daniel Webster and Jonas Salk.

I am Longfellow, Harriet Beecher Stowe, Walt Whitman and Thomas Paine.

Yes, I am the nation, and these are the things that I am. I was conceived in freedom and, God willing, in freedom I will spend the rest of my days.

May I possess always the integrity, the courage and the strength to keep myself unshackled, to remain a citadel of freedom and a beacon of hope to the world.

This is my wish, my goal, my prayer in this year of 1973—one hundred and ninety seven years after I was born.

Let us sing a song of praise and thanksgiving to God for the greatest nation on earth.

Oh beautiful for spacious skies, for amber waves of grain

For purple mountain majesty above the fruited plain.

America, America God shed His grace on thee

And crown thy good with brotherhood  
From sea to shining sea.

Oh beautiful for pilgrim feet whose stern impassioned stress

A thoroughfare for freedom beat across the wilderness

America, America God mend thine every flaw  
Confirm thy soul in self control

Thy liberty in law.  
Oh beautiful for heroes proved in liberating strife

Who more than self their country loved  
and mercy more than life

America, America may God thy gold refine  
Till all success be nobleness

And every gain divine.

Oh beautiful for patriot dream that sees beyond the years

Thine alabaster cities gleam undimmed by human tears

America, America God shed His grace on thee  
And crown thy good with brotherhood

From sea to shining sea.

#### THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. MICHEL. Mr. Speaker, I was pleased to join my colleagues today as we finalized the Domestic Volunteer Service Act of 1973, providing new authority for the programs operated and supported by the ACTION Agency.

I am impressed with the bipartisan nature of the support behind this measure, and with the fact that there has been such close cooperation between the legislative and executive branches in putting it together. This is the way it should happen, and I understand that it was, in large measure, due to the effective liaison work of Eric Silberstein, ACTION's Director of Congressional Affairs, with whom I have worked closely on other matters concerning the ACTION Agency. For Mr. Silberstein, this is just one more example of a job well done.

From my position as ranking minority member of the subcommittee which annually reviews the budget requests of ACTION, I have closely watched the performance of this agency and believe they certainly deserve our commendation for the kind of job they have been doing.

I think we all realize that they have operated under difficult circumstances. The ACTION Agency has been in business only 3 years. It was born, painfully, through Executive order rather than through positive congressional action, and has had to operate, until now, under fragmented, and in some cases, quite restrictive authority.

We are able now to eliminate this condition and provide fresh impetus to a worthwhile effort. The bill before us represents the first positive congressional contribution to these programs, in effect reaffirming the initiative taken by the President 3 years ago when he unified the major federally sponsored volunteer programs under ACTION with Executive Reorganization Plan No. 1 of 1971.



It is well to recall that period—1971—in which this reorganization occurred, so that it may be put in its proper context. Reorganization Plan No. 1 was the very first step taken to implement the President's comprehensive effort to make some sense out of the Federal bureaucracy and eliminate overlap, duplication and waste. It made sense then, and it makes good sense now, that the various volunteer programs which were operating out of a number of different agencies would be better and more efficiently run if they were the full-time responsibility and concern of a single agency, a single management.

The President's action to unify these programs in ACTION provided a mechanism for the encouragement of volunteerism in America. It provided a framework to enhance the possibilities for volunteers from different programs, and of different ages and backgrounds, to help each other in common efforts and supplement each other's knowledge. It was also designed to provide a better atmosphere for carrying out the Presidential mandate to develop new ideas for broadening the opportunities for volunteers to serve and new ways for that service to be delivered to recipients.

The ACTION Agency has done these things under difficult circumstances, and I hope that under this new legislation it will do even better.

It has fostered new ideas. One of these, the university year for ACTION program, has become a program of major consequence. Not only has this program received high marks from nearly everyone involved, but, in what should be a model for other Federal programs, it has managed to increase the number of volunteers while decreasing the cost to the Federal Government.

Under ACTION, the numbers of low-income and other older American volunteers, who need opportunities to serve and feel useful, have increased geometrically: foster grandparent and retired senior volunteers have increased eightfold since 1972, and will probably double again this year so that over 100,000 will be serving.

Under ACTION, there have been major new initiatives undertaken to develop lower cost means by which local communities themselves can initiate and operate effective, multifaceted volunteer programs. And with Dr. Michael Balzano's appointment as Director of ACTION, I think we are going to see more and more of the emphasis on assuring the involvement of the local community.

And, finally, as Dr. Balzano and his staff pointed out to us during our hearing on his 1974 budget, under ACTION there have been countless instances of volunteers from the different programs working cooperatively: retired business executives from SCORE helping VISTA workers establish small local firms; UYA student-volunteers and elderly foster grandparents working side-by-side with handicapped children; and much more.

In my own home State of Illinois almost 1,800 volunteers are giving their time and energy to their neighbors through the various ACTION programs.

Many of these illustrate ACTION's creative approach:

In Springfield, half of the members of the newly chartered SCORE/ACE chapter are senior State government retirees who are counseling municipalities and townships with administrative problems, an extension of the SCORE/ACE program beyond pure business assistance.

In a pilot program in Chicago, 17 bilingual VISTA volunteers are living in ethnic enclaves throughout the city, assisting elderly non-English-speaking people to obtain housing, medical aid, and government services.

And I am particularly proud of a newly-funded foster grandparent program in my hometown of Peoria. In a new approach, this program will not be conducted in an institutional setting, as most of the current foster grandparent programs are. Rather, it will enable mentally retarded and physically handicapped children to remain in their homes, with their families.

With the new legislation before us today, I think we have a framework for broadening the opportunities for volunteers to serve, and for more effectively tapping the enormous reservoir of volunteer energies in America.

With this legislation we will bring ACTION new integrity as an agency and provide new stimulus for the thousands of dedicated ACTION volunteers, young, and old, working in communities across the country.

Mr. Speaker, volunteerism is in the finest tradition of America. Efficiency in government is one of our most sought-after goals. This bill provides a framework for both, and I am happy to join my colleagues in supporting it.

#### HOUSTON CHAMBER OF COMMERCE HONORS MRS. LYNDON B. JOHNSON

#### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a few days ago I had the privilege of attending a dinner given in honor of Mrs. Lyndon B. Johnson. The occasion was in conjunction with the dedication of the Lyndon B. Johnson Space Center.

The remarks of James E. Webb on that occasion are recommended to you, Members of Congress, and the public. Mr. Webb was the Administrator of the National Aeronautics and Space Administration during our late President's term of office. Mr. Webb pointed out in his speech:

In all that her husband accomplished, the participation and contribution of Lady Bird Johnson must be recognized as of the highest order.

We must all concur.

Mr. Webb's remarks follow:

PRESIDENT LYNDON B. JOHNSON AND SPACE

Mr. Chairman, Mrs. Johnson, friends, it is a great privilege to have a part in honoring Mrs. Lyndon B. Johnson. She has spent her life in partnership with a great man, doing

great things. Beyond that, in her own right, she has shown again and again, broad vision and human understanding. Character and wisdom are her hallmarks. She has generously shared her time with a multitude of both great and small figures, who have touched her life as they passed across the stage of current affairs. She is a true citizen of the world. In all that her husband accomplished, the participation and contribution of Lady Bird Johnson must be recognized as of the highest order.

This afternoon, out at Clear Lake, much was said about the appropriateness of re-naming NASA's Manned Spacecraft Center for President Johnson. Much more could be said about the importance to our space efforts of his vision and influence at those turning points that made the real difference between success and failure. As Senate Majority Leader, as Vice President, and as President, Lyndon Johnson was determined that this nation must overcome our early failures and gain the know-how to use space for peace rather than for war.

Someday I hope Mrs. Johnson will put down for future generations her recollections of those moving and important episodes in which she participated.

In 1963 when the Mercury Flights were completed, Vice President Johnson and I were hosts at a luncheon to honor those who had brought about the Mercury successes. Mrs. Johnson was seated next to me. I had not yet come to know her well, but by way of conversation asked what she thought were the Vice President's greatest contributions in his years of public service. Immediately she responded in her characteristic way that she would not give me her views but would give me his. She said that just before World War II, in the crucial national defense decision to adopt the draft, he had pulled a mighty oar along with Speaker Sam Rayburn, to win by one vote in the House of Representatives. She went on to say that as Majority Leader in the Senate in the 1950's he had put his shoulder to the wheel to pass the first major civil rights legislation to go through that body in something like 100 years; and that in 1957 and 1958, following the Russian success with Sputnik, he had supplied the leadership to put into law the National Aeronautics and Space Act. So the three contributions she mentioned were: national defense, civil rights and space.

That was in 1963, and surely all of us know that in his years as President, Mr. Johnson was responsible for many other important actions. When compared with any of these, however, I believe his determined support for a preeminent U.S. position in space will go down in history. Against the opposition of many scientists and economists he strongly supported the manned space flight part of NASA's program. I am happy that he could live to see our nation land men on the moon and return them to earth.

In 1961 almost my first official act was to recommend to President Kennedy that we invest the funds needed to build the large boosters essential to true space muscle. I also recommended the development of large manned spacecraft. Vice President Johnson gave his eager support. But President Kennedy felt he could approve only a start toward the boosters, and he postponed the spacecraft. In fairness, it must be said that this was during his first few months in the White House when he was beset with many problems. He was not sure of NASA's capability to "deliver the goods," and he was faced with strong differences among his advisors. Some wanted to "kill off manned space flight". But the Vice President had made it his business to know that our universities and industry, working with government could do the job, and that the manned programs were essential. So the first requirement for the Vice President was to convince

the President. This he did, with a strong assist from the impact of Gagarin's flight, giving the USSR the first man in space.

Almost immediately after that flight, the Vice President was given the job of laying out a program for the future. He lost no time. He consulted our most knowledgeable experts. He went over his conclusions with leaders of Congress. Based on his report, President Kennedy was able to recommend Apollo to Congress on May 25, 1961. And so it was that his years of work on space, and the hopes and dreams of Lyndon Johnson came to fruition. To show that he was aware of the size and complexity of what we were undertaking, let me read you from a letter which I wrote him a few days before he finished his report:

"You and the President will be placing on . . . (NASA and DoD a task) . . . roughly equivalent to having someone looking down your throat while you were Majority Leader of the Senate and telling you that the future of the country depended on your organizing an effort that would successfully transform the Congress of the United States from a bicameral to a unicameral body within a very short period of time, say two years, and that even if you succeeded the future of the country would still be in jeopardy unless you had obtained passage through the legislative body in the meantime of a whole series of major legislative changes . . ."

The Vice President did not shrink from this mammoth undertaking. He gave the support I was asking for. He gave leadership and guidance to the effort, and made the right decisions at the right time. There is no doubt that the results will reach far into the future through the work that will be done in his name here at the LBJ Space Center.

It is hard to realize that the United States space program is now in its 16th year. We have seen moon landings, pictures from Mars, observations from Venus, vast improvements in the knowledge and use of weather, and cheaper, more reliable, and vastly expanded world-wide communications systems. We have acquired so much new knowledge of both the earth's environment and its resources that for many years we will be working to put this knowledge to use. President Johnson wanted the United States to have a finest class space team. We now have it.

A good example of the value of this is the fact that Skylab is still in orbit. Crippled by a failure during launch, this space station was repaired by astronauts, working closely with their teammates on the ground. This one repair job saved a two and one half billion dollar investment. The NASA Space team did a job in eleven days that under normal circumstances would have taken from six months to a year. The real question we must now ask ourselves is how we will use this team in the future. To what extent will we give it the support it needs to retain its strength?

The value of saving Skylab goes far beyond dollars. Ultra-violet and X-ray pictures and measurements of the sun, greatly improved by Skylab's large telescopes, are now giving us an order of magnitude improvement in the data our scientists urgently need on the dynamics of the sun's atmosphere. They need this for further study of the forces at work in the earth's atmosphere. With the Skylab data we do not have to wait the eleven years of a solar cycle to benefit from this new knowledge, at a time when our energy crisis and pollution problems emphasize our need to know more about how the sun affects our air and water.

Early in the build-up period for our space efforts, NASA commissioned three studies by the American Academy of Arts and Sciences. The first was of our nation's major undertaking to build its transcontinental railroads. The second was of how to use indicators of social and economic change to measure the

effects of the space effort being undertaken. The third was of the practical applications of aeronautical and space technology that could be used in other areas of our society. That these studies were undertaken is an example of the broad vision that Lyndon Johnson had for our national space effort. He wanted us to look to the past to see what we could learn from the railroad period; to look to the effects of our work on all aspects of society; and to try to find ways and means through which our space engineering advances could be picked up and used throughout American life.

The director of these studies, Dr. Raymond Bauer of Harvard University, described the possible impacts of the space program in these words:

"They include changes in man's conception of himself and of God; almost incredible consequences of . . . expanded communications via satellite . . . systems; . . . improved short- and long-range weather forecasting; moment-to-moment surveillance of military installations throughout the world; . . . contact with beings higher, lower, or sideways from us; . . . drain on our economy and military strength, or, stimulus to our economy and military strength; competition with the Russians, cooperation with the Russians, or some combination of the two; . . . changes in attitudes toward education and toward stupidity, revolutions in medicine; . . . revolutions in data processing and retrieval; . . . stimulation of our system of higher education, or, disruption . . . of it."

Those words were written in the build-up period of the 1960's. But to indicate the importance of these concepts today, let me mention a recent visit with the managing directors of one of Europe's largest companies, which employs about as many people all over the world as NASA used at the height of its effort, some 400,000. I asked why this company was investing large sums in an effort to bring the electronics industry of Western Europe into a new computer combine. The answer was that I should be the last person to ask such a question. One director pointed out that a subsidiary had been a sub-contractor to an American company in the Apollo program and had been required to learn how to apply NASA's reliability standards to its production. He pointed out that his company had then adapted this know-how to many areas of its business with important benefits. He said in brief, "What we need in Western Europe at this time is a program that will do for us what the NASA effort did for the U.S. We need to mobilize the kind of total effort throughout our industrial structure that you did in NASA, and we are looking for a way to do it." To those in America who are thoughtlessly trying to further cut back our already reduced space team, this should serve as a danger signal.

It is well known that NASA is now preparing for a joint manned exercise with the Russians. We also know it is working to add to our nation's competence the important new advances promised by the space shuttle project. We know from our earth resources satellite projects that our country's leaders can now make far more intelligent decisions on how to put our limited resources to best use with minimum risk to our society. But we need to go beyond this to address our minds to more basic values. We need to think more than we have about the reaction which President Johnson expressed when he first saw the planet Mars through the camera eye of Mariner IV. His words in 1965 were:

"It may just be that life as we know it, with its humanity, is more unique than many have thought, and we must remember this. . . . In the works of space, as in the works of peace, this great nation of ours stands always ready to join with any others—to join with all others—and we are ready as I speak now."

This was a practical world leader's reaction when his hope that we would find evidence of life on Mars was shattered as he looked at the barren landscape of that planet. Running through my mind as I heard him speak these words, and on many occasions since, is the thought that human beings, at least in our solar system, appear to be unique to the earth, and too precious to put in jeopardy.

Physical scientists view our earth and the universe in a quite different way than do social scientists and political leaders. Biologists and physicists have wide differences in their approaches to the development and meaning of life.

Some view the origin of life as the result of a cosmic game of chance—that beginning with a primordial ball explosion, there has proceeded a process of change with probabilities tilted toward the lines of development that human intelligence has already identified.

In this view, over geological time the building blocks of life accumulated in the oceans, forming a sort of nutrient soup in which life eventually originated; that photosynthetic processes using chlorophyll eventually entered upon the scene. These modified the earth's atmosphere until it contained the oxygen on which we are so dependent today. In this view there are hundreds of millions of planetary systems in our galaxy and in the millions of other galaxies, with the probability of there being life elsewhere in the universe a virtual certainty.

However, even if we accept this view, we know that the stars and other galaxies are so unbelievably far away from us, that we are, to all practical purposes, alone in our universe for the time being.

Another group maintains a different view that with the vast new knowledge gained from our space program, with its power to simultaneously look backward at the earth and outward to the space around it, and from many laboratory experiments, we now can view the development of life as more cause than effect—that conditions caused by the development of life reacted on the early earth environment and produced a number of changes that now make the higher forms of life possible. In this view our oxygen-rich atmosphere and its components of water vapor and nitrogen and the minute quantities of ozone in the upper atmosphere are known only on the earth, that the delicate balance among these elements that we now know exists is what makes life possible. Some believe that such a balance could hardly result from chance; that some form of guidance must have been present; in religious terms, a form of creation, by guidance from a supreme power. They point out that the same mechanisms that put in place these elements in the delicately balanced proportions to sustain life could, if they had produced a slightly different balance, made life impossible.

Of one thing, I feel very sure. Our space satellites and probes have given us the capability to get a broad perspective of these phenomena and to better understand the conditions under which life is possible.

The drive which President Johnson, and those associated with him, were able to put into the full development of both science and technology in the United States space program provided a vitality, a scope for imaginative forward thrusting minds, that would not have been possible from a lesser effort. It is now well known that when many minds are opened up through a large undertaking there is an explosion of ideas and intellectual activity which leads far beyond the early thinking. Lyndon Johnson had the vision to foresee this result, and its importance. He saw clearly that man's ability to reach out beyond the limited environment of the earth and into unlimited space would



set the stage for momentous events. He saw to it that the U.S. took up this challenge.

**JANET REEVES—MISS AMERICAN  
TEENAGER, 1973**

**HON. JACK BRINKLEY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BRINKLEY. Mr. Speaker, living in my hometown of Columbus, Ga., we are indeed proud to have the 1973 "Miss American Teenager"—Miss Janet Reeves, the daughter of Mr. and Mrs. Robert Reeves. Janet, who is a classmate of my oldest son, Tommy, at Hardaway High School, is just an outstanding young lady in every respect and, in my estimation, represents the very highest standards of American youth. On behalf of the Third Congressional District of Georgia, which I am privileged to represent, I would like to take this opportunity to express to Janet and her family our extreme pride and warmest congratulations on her winning the 14th annual Miss American Teenager Pageant.

Mr. Speaker, at this time I would like to commend to the attention of our colleagues the following news release issued by one of the pageant's coordinators upon Janet being selected as Miss American Teenager for 1973.

The release reads:

**NEWS RELEASE**

Janet Reeves, 16, daughter of Mr. and Mrs. Robert Reeves, of 2352 Burton Street, Columbus, Georgia won the title of Miss American Teen-Ager today in the 14th annual Miss American Teen-Ager Pageant here in New York City. She topped a field of 45 other teen-age beauties between the ages of 13 and 17 from all parts of the nation, to win the coveted title of Miss American Teen-Ager and more than \$20,000 in prizes including a 1974 Dodge Challenger.

She is 5'7½" tall, weighs 115 pounds and has brown hair and blue eyes. She is in the 12th grade of the Hardaway High School. Her greatest ambition in life is to become a Pediatrician, wife and mother. She is in Who's Who of American High School Students and is on the honor roll.

She has been active in R.O.T.C., choral and the sponsor club. Her hobbies include sewing, piano, horseback riding. She plays the piano in church, models and babysits.

She describes her state as "hospitable, growing and historic." Our country as "majestic, generous, and hopeful," and herself as "capable, feminine, and honest."

Her first runner-up was Katherine Kassing, 17, of McLean, Virginia. Her second runner-up was Lucy Demkiw, 17, of Brooklyn, New York. Her third runner-up was Sherri Moore, 17, of Fullerton, California. Her fourth runner-up, Kim Wagner, 15, of Overland Park, Kansas.

The winner of the Miss Congeniality Teen-Ager award, voted by the contestants themselves for one of their sister contestants was Susan James, age 16, of 3588 South Hillcrest Drive, Denver, Colorado, Miss Colorado Teen-Ager. She is 5'4" and weighs 110 pounds, has red hair, green eyes and is a junior at Thomas Jefferson High School in Denver.

She received a \$500 cash scholarship from Maybelline with her award. Carla Tevaut, 18 of Petersburg, Indiana, who won the title of Miss American Teen-Ager last year, turned over her crown and title to her new successor.

This year's Miss American Teen-Ager Pageant was produced by Unicom Entertainment Corp. of 555 Madison Avenue in New York City and Youthways Productions Inc. of 405 Park Avenue, New York City in association with Miss American Teen-Ager Inc. of 1605 Lemoine Avenue in Fort Lee, New Jersey. The telecast was sponsored by Maybelline and is being syndicated to approximately 125 major TV stations across the country. It was hosted by John Gavin, star of the Broadway hit show "Seesaw" at the Mark Hellinger Theatre in New York City. Also featured on the telecast were Andy and David Williams, singing stars who are nephews of Andy Williams. Kip Walton, produced and directed the one hour TV special.

It was a fun time in Fun City for all of the 46 finalists during pageant week for in between judging sessions, the Miss American Teen-Ager Pageant people provided the contestants with a complete program of entertainment and recreation. The New York Hilton at Rockefeller Center was the official host of the pageant and Horn and Hardart, provided transportation round the city throughout the week in their imported British double-decker bus in addition to providing catered lunches all week long. Dinners were provided by Rosoff's Theatre Restaurant in the Times Square Area, at Huntington Hartford's Show Club and at McDonald's Town House. They cruised Manhattan island on the Circle-Line and visited New York City's Chinatown and other points of interest. They attended the Broadway hit show, "Seesaw" as guests of producer Joseph Kipness and toured backstage where they met the stars John Gavin, Michele Lee, and Tommy Tune. They also attended the Schaefer Music Festival in Central Park.

The Miss American Teen-Ager Contest and Pageant is a registered service mark in the U.S. Patent Office. Talent Productions Inc. of New York City is the exclusive representative of Miss American Teen-Ager Inc. for the licensing of goods and services under the Miss American Teen-Ager name. All girls 13 through 17 who are single, and American citizens are eligible to enter the Miss American Teen-Ager Contest. There is no talent of any kind required to enter. Contestants were judged in dresses and gowns on the basis of beauty, poise, personality, community service, leadership and scholastic achievement. In addition to the grand prize of a Dodge Challenger, Janet as the winner of the Miss American Teen-Ager Pageant today will receive an all-expense American Airlines Dream trip for two to Hollywood, California where she and her chaperone will stay at the Beverly Hilton Hotel in Beverly Hills. There, she will have an opportunity for a role in the New CBS-TV "Perry Mason Show" and in "General Hospital" on the ABC-TV network. She will receive a \$1,000 wardrobe of her choice from the Alden's fashion catalog and an opportunity to model for the Alden's catalog with New York City's top fashion models. She will receive a tuition-free scholarship for one year at Brooks College for Women at Long Beach, California valued at \$2,360. In addition, Maybelline will award her a \$1,000 cash scholarship to be used toward her education. She will receive a natural mink and leather coat, valued at over \$1,000 from the Flemington Fur Company of Flemington, N.J. Weber-Stephen Products of Arlington, Illinois will present barbecue kettles to Miss American Teen-Ager and her 1st, 2nd and 3rd runners-up. She will receive a 3-piece set of Samsonite luggage and each of the finalists in today's pageant will receive a petite tote bag from Samsonite.

Each of the finalists in the pageant also received a complete kit of Maybelline cosmetics. Remington 600 hand held hair dryers are also being presented to each of the contestants in the Miss American Teen-Ager Pageant as was a complete gift pack of all

Wella Hair Products. A wardrobe of dresses from Shawn Jrs., a division of David Warren Inc. of New York City is being awarded to the new Miss American Teen-Ager and each of the contestants in the pageant has been awarded a Shawn Jrs. dress which she wore in the telecast. A crown of 58 perfect Diamonair simulated diamonds, from Diamonair, a division of Litton Industries was also awarded to the winner. She will have an opportunity to be a guest columnist for "Flip", America's leading teen entertainment magazine and will be featured in a full, color picture story in "Flip" magazine. Lew Mitchell, noted New York photographer will present her with a professional portfolio of theatrical or modeling pictures. The Miss American Teen-Ager trophy was awarded to her and trophies were also awarded to her runners-up.

The Miss American Teen-Ager theme song was written by song writer Gladys Shelley.

Mr. Mac Ellison, Certified Public Accountant and President of the Accounting Offices of Mac Ellison, of Fort Lee, N.J. was the official tabulator of the judging, assisted by Mrs. Nancy Siracusa of the Dispatch Daily Newspaper in Union City, N.J.

Judges included Wilhelmina, one of the top fashion models and cover girls of all time who heads the world famous Wilhelmina Model Agency in New York City, Ron Chereskin, one of America's foremost youth artists, who is creative director of Talent Productions, Inc., Mary Dodson, of the Flight Service Staff of American Airlines, Jean Adams, editor of United Features' "Youth Forum" and noted lecturer and magazine writer, Mary Ann Anderson, Vice President of Maybelline Cosmetics, Jerry Reilly, director of the Alden's Fashion Catalog, Mr. S. Rodgers Benjamin, President of the world famous Flemington Fur Company and Albert J. Piccirillo, President of the Chelsea National Bank.

**NIX SUPPORTS THE SCHWARTZ  
RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PHILADELPHIA**

**HON. ROBERT N. C. NIX**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. NIX. Mr. Speaker, I rise to offer my support of resolution No. 204, adopted by the city council of Philadelphia which asks that the President of the United States revive immediately a vigorous campaign to resolve in each individual case the fate of members of the Armed Forces who were prisoners of war and missing in action, during the Vietnam war.

The resolution follows:

Memorializing the President of the United States of America to immediately undertake a vigorous campaign to resolve once and for all the issue of members of the Armed Forces of the United States who are still either prisoners of war or missing in action.

The resolution was adopted by the council of the city of Philadelphia at a meeting held the 6th day of September 1973.

This is an important issue since it involves a lack of good faith on the part of the North Vietnamese and their subsidiary Vietcong government in South Vietnam.

The pictures of American men taken prisoner in the Vietnam war by the North

Vietnamese have appeared in the European press which had access to North Vietnam during the war. Yet these same men have never been accounted for as being prisoners of war by the North Vietnamese. Men who are missing in action may never be accounted for because the activities of grave registration units have been interfered with by the North Vietnamese in South Vietnam.

A resolution of this kind is timely because the failure to account for our men is embarrassment to the administration because of the failures of the truce agreement.

Therefore a reminder of unfinished business from an important public body is important. In order to see to it that our men are not forgotten.

I would urge other city councils to follow the example of George X. Schwartz, and the members of the Philadelphia City Council. The council of my city is made up of outstanding men and the city council president, the Honorable George X. Schwartz is an example of that high standard. I congratulate them on their resolution.

#### FERTILIZER SHORTAGE WORSENING

#### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. NELSEN. Mr. Speaker, much earlier this year I called to the attention of our colleagues in Congress the serious fertilizer shortage developing in the United States. I indicated the actions I had taken to persuade the Agency for International Development to suspend future AID-financed fertilizer exports at least until domestic fertilizer needs had been met, because it is imperative that the United States increase food production to supply the needs of our people and the world.

In response to our pleas, AID agreed to direct its overseas missions to review host country fertilizer requirements, limiting all new procurements to material needed for the coming planting season. In a letter to me dated May 31, AID also agreed that effective immediately, and continuing as long as the tight U.S. supply situation exists, AID would authorize all procurements from certain less developed countries with surplus production capacity available for export as well as from the United States.

In view of recent developments, however, these actions still seem inadequate. I have just received from Mr. Russel G. Schwandt, president of the Minnesota Plant Food Association in St. Paul, a resolution adopted by the board of directors of his association on August 30 in Brainerd, Minn. The resolution indicates that Minnesota fertilizer dealers are now experiencing serious shortages of nitrogen and phosphatic fertilizer materials, and that there are not adequate products to meet the demand. Among other steps, the board has urged Congress to take necessary action to place an immediate

embargo on any foreign shipments of those fertilizers in short supply domestically and direly needed by the American farmer. I am, of course, bringing this recommendation to the attention of AID.

I include the board's resolution in full at this point in my remarks:

Resolution adopted by the Board of Directors of the Minnesota Plant Food Association at their board meeting August 30, 1973, at Brainerd, Minnesota:

"Minnesota fertilizer dealers are now experiencing serious shortages of nitrogen and phosphatic fertilizer materials. The fall application season is here and there isn't adequate products available to meet the demand; be it therefore resolved that Congress takes the necessary steps to:

1. Place an immediate embargo on any foreign shipments of those fertilizers in short supply domestically and direly needed by the American farmer.

2. Assist in making hopper cars available for the Midwest market as the hopper car situation is extremely critical.

3. Support Senator Humphrey's proposal to Secretary of Agriculture Butz in creating a Federal Interagency Task Force with invited representatives from private industry."

Only a few weeks remain before peak fall demand for fertilizer is here. Farmers must have the assurance now that their orders can be filled for fall application. A lack of fertilizer will critically affect our food supply next growing season. No matter how willing the American farmer is to meet increased acreage demands, his hands are tied unless the ground can be properly prepared.

Additionally, to further emphasize the worsening fertilizer supply situation in our country, I wish to insert in the RECORD an article by Mr. Gene Meyer which appeared in the Wall Street Journal on September 17. Mr. Meyer reports our Government is now projecting a shortage of 1 million pounds of nitrogen and 700,000 pounds of phosphate, representing enough plant nutrients to produce about 20 million tons of feed grains alone.

He further reports that phase IV price restrictions are contributing to the problem, because U.S. fertilizer prices are being held to roughly two-thirds or less of the world market price. Obviously, this is encouraging foreign buyers to outbid our own, while at the same time discouraging U.S. producers from expanding output.

I am bringing this price matter to the attention of Cost of Living Council Director John Dunlop immediately, since we can ill afford such policies at a time when America's expanded food production is of such crucial importance to the whole of mankind.

I include Mr. Meyer's report in full at this point in my remarks:

FERTILIZER SUPPLY MAY SOON BE SPREAD THIN AS FARMERS LIFT ACREAGE, USAGE PER ACRE

(By Gene Meyer)

CHICAGO.—Serious shortages of fertilizer may develop this fall and next spring, say farm analysts and fertilizer industry observers.

That's bad news for farmers, who are expected to plant crops on several million more acres in 1974, if government policy makers' intentions materialize. It's also bad news for consumers hoping for larger crops to help bring prices down; proper fertilizer application boosts crop yields at least 30%, according to some studies.

"Even if we could fix the situation tomorrow morning, it would be too late for the win-

ter wheat seeding going on now," observes Edwin L. Wheeler, president of the Fertilizer Institute, a trade group, in Washington, D.C. "The farmers' ability to supply adequate U.S. food and fiber is seriously jeopardized."

During the fiscal year ended June 30 farmers used much more fertilizer than most industry predictions indicated, according to a national survey conducted by Doane Agricultural Services Inc. The St. Louis-based farm management consulting firm found that farmers used almost 12% more fertilizer than in the previous year; most industry predictions had been for a 5% jump.

Farmers apparently used more fertilizer per acre and fertilized about 25 million more acres of land freed for production by the Agriculture Department last spring, says Ralph L. Wehunt, Doane's fertilizer expert.

Mr. Wheeler observes that the government's projection of a shortage of one million pounds of nitrogen and 700,000 pounds of phosphate represents enough plant nutrients to produce about 20 million tons of feed grains.

Mr. Wehunt indicates American farmers probably will want more fertilizer this season than last. High grain prices encourage fertilizing even such crops as wheat, which normally aren't fertilized. In addition, the all-out farm policy for next year may bring 10 million to 12 million more acres into production, Mr. Wehunt figures. "Most of these are on marginal land which requires more fertilization," he adds. "Fertilizer requirements could increase 6% further than current levels by next June 30."

In the past year, heavier-than-expected usage has depleted the national inventory of 20 fertilizer products by 38% and Mr. Wehunt indicates the outlook for next season's production is bleak.

"Inventory reserves are usually built up in the fall and winter for heavy spring usage," he notes, "but the cycle may be interrupted this year because of shortages of the necessary fuel to produce fertilizers and the higher prices that foreign buyers are willing to pay."

#### NITROGEN AND PHOSPHATES

The fuel problem hits hardest two of the three basic fertilizer groups—nitrogen and phosphates. Nitrogens, which are essential for many crops, particularly corn, and some phosphates are made from natural gas. Natural gas shortages have held nitrogen production to a 2% increase this past year, while usage has increased 5%.

Much of the U.S. phosphate supply comes from mines in Florida, where a fuel shortage of another sort has limited production. Huge amounts of electricity, about 10% of the state's power supply, are needed to refine the ore. Power shortages this summer have cut into production.

The outlook for potash, the third major fertilizer group, is relatively good, Mr. Wehunt adds. One of the world's richest and largest deposits is a 600-mile strip in Saskatchewan, Canada. Transportation becomes a bottleneck there, he notes, and the area isn't being mined to its fullest. The recent Canadian rail strike already has reduced imports to this country, he adds. Anticipated problems getting freight cars later this year could also cut into supply, other industry executives say.

#### OUTLOOK ON IMPORTS

There generally seemed to be enough fertilizer for U.S. farmers this past year, despite the heavier-than-expected use, Mr. Wehunt notes. But, he cautions, this was partially due to a 10% increase in imports that U.S. farmers might not get next year. Phase 4 restrictions are holding U.S. fertilizer prices to roughly two-thirds or less of the world market price, he says. "With the world market situation as it is, it can't be expected to bail out the U.S. farmer this winter and next spring," he adds.

The U.S. is one of the world's primary sup-



pliers of nitrogens and phosphates, Mr. Wheeler says, and Phase 4 profit margins are discouraging U.S. producers from expanding. Thus, U.S. buyers are offering a frozen wholesale price of \$40 a ton for nitrogen-rich ammonia, for instance, while foreign buyers are bidding upwards of \$70 a ton for the same product. "Anyone with common sense can guess who's going to get it," adds Mr. Wheeler.

#### JAMES WECHSLER ON ELECTORAL REFORM

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BINGHAM. Mr. Speaker, on June 5, 1973, I introduced a joint resolution proposing an amendment to the Constitution of the United States that would give Congress the power to call for a new national election when it has determined that a President has so lost the confidence of the people that he can no longer perform his responsibilities. Two of my distinguished colleagues, Ms. GREEN and Mr. UDALL, have also introduced similar legislation.

I am delighted that the distinguished columnist James A. Wechsler has declared his support for the concept embodied in these proposals and has called for national debate on them.

As a first step toward such a debate, it would be most desirable if hearings might be held on these resolutions by the Committee on the Judiciary.

Mr. Wechsler's column appearing in the New York Post on September 12 follows:

#### UNTHINKABLE THOUGHTS?

(By James A. Wechsler)

Although they hardly planned it that way, Richard Nixon and Spiro Agnew may achieve a certain immortality as the men who finally compelled Americans to contemplate far-reaching change in our political processes.

For many months the two dominant facts about the national condition have been deepening unease about Mr. Nixon's capacity to govern and an equally manifest reluctance to confront the stresses of a long impeachment struggle. These clashing emotions have been intensified by signs that Vice President Agnew is in special trouble of his own.

Despite the current efforts of the White House and some Republican spokesmen to proclaim that Watergate belongs to the past, as if repeating the thought often enough will exercise the unpleasantness, no such relief is in sight. Too many men are already entrapped; who and what will break next as prosecutions proceed?

The view that we are doomed to three long years of creeping paralysis and futile polemics seems to be the prevailing fatalism. But in Congress there are thoughtful if little-heralded legislative stirrings that could set the stage for national debate. It is time they received notice.

Rep. Jonathan Bingham (D-N.Y.) has introduced a constitutional amendment that would permit Congress to call for a new national election when it "determines that a President has so lost the confidence of the people that he can no longer perform his responsibilities."

A comparable scenario is projected in a

longer, more detailed amendment co-sponsored by Reps. Edith Green (D-Ore.) and Morris Udall (D-Ariz.) It would empower Congress to initiate a special election within 90 days when "the President has failed or refused faithfully to execute the laws enacted by the Congress; or . . . has willfully exceeded the powers vested in him by the Constitution and the laws of the United States . . . or has caused or willfully permitted the rights of citizens to be trampled . . ."

Apart from the precise timetable and more elaborate specifications in the Green-Udall formula, there is one other significant difference between their approach and Bingham's. They would require a two-thirds vote of both houses as a first step; Bingham's resolution calls for a simple majority.

Since it takes a two-thirds vote to override a Presidential veto, the difference may be more apparent than real. But Bingham notes that a beleaguered Chief Executive might be disposed to seek a new mandate once repudiated by a simple majority.

Under both amendments, the incumbent would have the right to run—assuming that he obtains his party's nomination. (Bingham's resolution does not spell out the mechanics of designation, as Reps. Green and Udall do; he contends it would be preferable to enact the basic principle and let Congress evolve the machinery.)

Even if either won Congressional sanction and survived Presidential veto, the approval of three-fourths of the states would still be needed. Barring some unforeseeable bombshells that could create a darker mood of national emergency, the road to such reform will not be swiftly traversed.

But if these are ideas whose time has not yet come, they surely belong on the agenda of public discussion.

Clearly they would embody fateful alterations in our political structure, introducing basic elements of Britain's parliamentary system. Is that an unthinkable thought after both Watergate and Vietnam?

Neither amendment is necessarily the last word. It may be argued, for example, that a Congress which decrees a new national election should in fairness provide for its simultaneous dissolution and an electoral test of its own members. The proposed changes would require the opposition to maintain some equivalent of "shadow cabinet."

Granting that Congressional and state action is unlikely before the 1974 races, the state of major debate on the amendments could transform those contests into a midterm popular plebiscite with special meaning.

While the political sickness unfolded in the Nixon Administration—from Watergate to Cambodia—and the ensuing national malaise in the backdrop for these remarks, the issues transcend his term. Certainly the existence of such democratic instruments for change might have modified the tragic chronicle of Lyndon Johnson's debacle in Vietnam.

Nor can this be discounted as a desperate scheme to "reverse the Nixon mandate" of 1972. For if that result still has any validity, his disintegrating second term could be salvaged by a new national vote.

The larger question is whether many Americans are prepared to face the implications of their distaste for the impeachment route (which could conceivably lead Carl Albert to the White House). In a deeper sense, are they willing to concede that imperfections in our system are in part responsible for our present frustration and disarray? We will never know the answers until responsible voices begin to present the questions—as Bingham, Mrs. Green and Udall are trying to do.

#### ENERGY CRISIS

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. FRENZEL. Mr. Speaker, there has been a growing awareness among all of our constituents that an energy crisis is upon us. The many facets of this problem are astounding in number, but of crucial importance is the protection of the health and welfare of individual citizens and families. Shortages of specific petroleum products including gasoline and home heating fuels strike at this personal health and welfare problem most directly. Something must be done.

On April 16 this body passed a provision in the Economic Stabilization Act which authorized the executive to take whatever steps were "just and proper" to solve this situation. On April 30 the President signed that act. Since that time hundreds of pleas have been made by members of this body, including the gentleman from Connecticut (Mr. McKINNEY), and myself, to implement the mandatory allocation authority which the Economic Stabilization Act grants.

At this time we have seen the appointment of a National Energy Policy Director, and the suggestion of several mandatory plans, none of which have been implemented.

Now is the time, way past time perhaps for my region, to retrieve and implement those plans so desperately needed by large sections of our country. A bill which Mr. McKINNEY, Mr. HEINZ, and I have introduced today would accomplish this purpose. Our bill gives the President maximum flexibility to implement that plan which he may consider most appropriate. The bill directs the President to inform the Congress within 15 days after enactment to inform the Congress of the specifics of the plan to be utilized, and to then put it into operation within another 15 days.

Our bill is a simple proposal. It mandates actions in the public interest, but it allows maximum flexibility to those who are most capable of making decisions on the specifics of all allocations.

#### THE CROSS-FLORIDA BARGE CANAL

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. BENNETT. Mr. Speaker, recently there was printed in the CONGRESSIONAL RECORD an editorial from WJXT concerning the Cross-Florida Barge canal. This station which is owned by the Washington Post here in the District of Columbia was critical of some aspects of the canal. In accordance with the policies of that station, time was allotted to an answer. The answer which was broadcast by that station was by George Linville who is the head of the Cross-Florida

Canal Association and reads as follows:

COMMENT BY GEORGE LINVILLE

The Cross Florida Canal Association, a citizen's organization which I head, questions the President's right to reverse an act of Congress by stopping the Cross Florida Canal project.

The canal will benefit our entire population recreationally, ecologically and economically.

More than 350,000 people have enjoyed recreational benefit in Lake Oklawaha. One group wants to destroy Lake Oklawaha—suggested dynamiting the dam. We acquired a federal court order saving Lake Oklawaha, at least temporarily.

Pollution is reduced by water transportation. Energy is often measured in British Thermal Units. Shipping by water takes 500 BTU's per ton mile; by rail, 750; by truck, 2400; and by air, 6300.

Shipping costs money. When shipping costs are reduced, consumer prices go down.

Shipping by barge costs 4 mills per ton mile; by rail, 16 mills; by truck, 80 mills; by air, 225 mills.

After extensive study, I am convinced the Cross Florida Canal is environmentally and economically sound and feasible.

## THE BASIC TREATY BETWEEN EAST AND WEST GERMANY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. SPENCE. Mr. Speaker, the Supreme Court in Western Germany has made a decision strictly interpreting the basic treaty between East and West Germany. The determination by the court puts limits on the manner in which the settlement between East and West Germany can be implemented. Because the decision also involves the status of West Berlin, where the United States is still very much involved, it should be understood and studied by appropriate Members of Congress. It is a decision which, I believe, all free men will applaud. The floor leader of the Christian Democrats, Dr. Karl Carstens, comments on the interpretation of the treaty in a recent interview in the Rheinischer Merkur. I ask that this interview be included in the RECORD in order to shed additional light on this historic decision:

[From Rheinischer Merkur, Aug. 9, 1973]

INTERVIEW—LIMITATIONS OF THE BASIC TREATY  
RHEINISCHER MERKUR. The CDU/CSU Parliamentary Party has welcomed the decision by the Federal Constitutional Court on the claim submitted by the Free State of Bavaria. What is the essence of that decision in your opinion?

CARSTENS. Let me put it this way: The verdict imposes binding limitations on every federal government in the application of the basic treaty and in the negotiation of successor agreements. The Federal Constitutional Court states expressly: The GDR is a part of Germany. It is not a foreign state in regard to the Federal Republic of Germany. The border between both parts of Germany is not an international border.

I wish to add the following regarding application of the treaty and negotiation of successor agreements: That concerns above

all the settlement of the right of nationality. Inclusion of the Land of Berlin in every follow-on treaty has been made mandatory.

MERKUR. As we understand it, the decision is in keeping with past jurisdiction, or do you see different criteria?

CARSTENS. The authentic interpretation of the basic treaty contained in the verdict of Karlsruhe observes closely the provisions of the basic law as well as of past jurisdiction of the Federal Constitutional Court. These are declared binding in the decision. With that the supreme court of the FRG has obviated the rightly feared danger that the basic treaty with the "GDR" undermines the basic law of the Federal Republic of Germany and the constitutional commandment contained therein "to achieve unity and freedom for Germany in a free climate of self-determination".

MERKUR. The verdict also contains a passage on the practice of sealing off the borders. How do you assess this statement?

CARSTENS. The CDU/CSU is particularly satisfied to note that the constitutional court agrees with our viewpoint which we repeatedly spelled out in public, by declaring: "The present realities at the border between the Federal Republic and the GDR, such as wall, barbed wire, death-strip and shooting order, are incompatible with the treaty".

MERKUR. What are the consequences for the Federal Government?

CARSTENS. The verdict holds the present Federal Government to its own words. The court based its verdict on the interpretation employed by the Government and has thus declared the basic treaty constitutional only within the boundaries of that strict and restricting interpretation. The Government is now obliged to represent this authentic interpretation within and without. Above all, it will no longer be able to accept the interpretation by East Berlin and Moscow—which is opposite to its own interpretation—without contradicting.

MERKUR. Has the envisioned goal been reached through this verdict?

CARSTENS. The proceeding has achieved an important aim. As a result of the decision the "Deutschlandpolitik" (policy with regard to Germany) is freed of the constitutional ambiguities caused and accepted by the Federal Government. All democratic forces in Germany should be grateful to the Bavarian government for its clarifying initiative.

## U.S. AEROSPACE AT THE CROSSROADS

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. MILFORD. Mr. Speaker, recently an article was brought to my attention by my good friend, Mr. J. T. (Bing) Cosby. Bing pointed out that this article, "U.S. Aerospace at the Crossroads," succinctly points up the international impact of our aircraft sales. Our aerospace industry which represents 7.6 percent of our total export is a very decided plus factor for our balance of trade. As the rest of the economy suffers a trade deficit, our aircraft industry maintains a strong positive balance of trade situation. I wholeheartedly concur with Bing that this is an excellent article and would like to have it read into the RECORD to share with my colleagues:

## U.S. AEROSPACE AT CROSSROADS

Today international economic matters are receiving increasing attention from the Administration, the Congress, industry, labor and the general public.

This stems from, among other things, the nation's negative balance of trade, the relative weakness of the dollar in the world's monetary markets, increased concern about our ability to compete effectively in international markets, the impact of foreign trade on our domestic economy, the long-range effects of current inflationary trends, the various trade bills currently under Congressional consideration and the upcoming General Agreement on Tariffs and Trade (GATT) negotiations.

Slowly but steadily, throughout the 1950s and 60s, the U.S. share of the free world market place has decreased. Our nation showed a negative trade balance in 1971 for the first time since 1888. It fell farther, to a negative balance of \$6.5 billion, in 1972. In many areas of international trade the U.S. now is at a serious competitive disadvantage. The nation was slow to recognize the significance and the seriousness of what was taking place. Not until the late 60s did it begin to accept the fact that a coherent international economic strategy with related domestic policies were essential to the future health of the national economy.

## IMPORTANCE OF AEROSPACE EXPORTS

Of the four basic trading commodity categories—agriculture, raw materials, low technology items and technology-intensive products—only in the fourth, the technology-intensive category, has the U.S. consistently maintained a substantial trade surplus.

Aerospace exports constitute one of the largest categories of manufactured products in foreign trade, totalling more than \$26.3 billion during the last decade (1963-1972). This represents 7.6 percent of the total U.S. export account. From the standpoint of the balance of trade, aerospace products have consistently shown a positive balance. With jet transports playing a major role, the net aerospace trade surplus amounted to \$23.5 billion during the same ten-year period.

For the past generation the United States has dominated the civil transport aircraft market, producing about 80 percent of the aircraft flown by free-world airlines. Also during the last three years more than 50 percent of the transport aircraft produced in the U.S. have been sold to foreign airline customers.

## FACTORS FOR SUCCESS

The success of the U.S. aerospace industry in the world commercial transport markets is the result of many factors:

A technologically advanced product providing safe, efficient, reliable, and profitable aircraft to the airlines.

An intensely competitive domestic aircraft manufacturing industry.

A strong domestic market—U.S. airlines fly over one half the free world's air commerce.

The availability of export credit financing under the leadership of the U.S. Export-Import Bank.

A relatively free and open world market environment.

Of all these factors the free market conditions are probably most significant. It is essential to the economic viability of the U.S. aerospace industry and to the redressment of the overall U.S. balance of trade that this equality and freedom of marketing opportunity be maintained.

At present, in Congress and in public forums, the subject of relatively free and open trade versus protectionism is being debated heatedly. The ultimate decision on this issue will be a fundamental determinant of the overall U.S. position as our nation meets with



the other members of GATT this fall for the first major trade and tariff negotiations in a decade.

#### MULTINATIONAL CORPORATIONS

Some of the arguments advanced by the protectionists center around the activities of multinational corporations, the practice of U.S. corporations entering into licensing arrangements with foreign firms, the export of technology rather than products, and the participation of U.S. companies in joint ventures with foreign firms. These activities, it is claimed, are weakening the U.S. economy and causing significant losses in domestic employment.

The advocates of free and fair trade take the position that these arguments, as they relate to technology transfer, cannot be substantiated. It is pointed out that international technology transfer from the U.S. to foreign nations is effected in a variety of ways, many of which are outside commercial channels.

Perhaps the most important of such transfers are by government-to-government interchange agreements; patents; scientific and technical papers delivered at international symposia and professional society meetings; and the availability of technical data such as scientific and engineering reports and engineering and manufacturing drawings, under the Freedom of Information Act. Such sources provide an enormous reservoir of technological data all of which is in the public domain and available to foreign as well as U.S. citizens.

In the commercial sector, international technology transfer generally is effected through one of three channels: licensing, joint ventures between domestic and foreign firms, and foreign subsidiaries of domestic firms—the so-called "multinational corporations" (MNC). Primarily, the objectives of these practices are to increase foreign sales whether by expanding existing foreign markets or by developing markets which otherwise would not be available to direct U.S. exports.

#### GENERATE EXPORT MARKETS

Probably the channel that has been most frequently and severely criticized has been that of the multinational corporations and their foreign affiliates. However, the U.S. Department of Commerce has concluded that these corporations have generated a large market for U.S. exports which otherwise might not exist. The Department's survey estimates that 25 percent of all U.S. exports go to foreign affiliates of U.S. companies. A comprehensive study on the impact of multinational firms conducted by the U.S. Tariff Commission, published in 1973, covering the 1966-1970 period, indicates that in 1970 MNCs generated \$3.4 billion more in new exports than in new imports. However, this advantage varied widely from industry to industry. By any accepted definition of the term "multinational firms" the U.S. air transport manufacturers do not qualify. Except for a relatively small activity in Canada these companies do not have manufacturing subsidiaries or affiliates abroad. Virtually all commercial transport exports represent sales directly to foreign purchasers.

In recent years, as foreign economies have grown stronger and their technological capability more advanced, trade patterns have been changing. To build up and expand their own aircraft manufacturing capabilities and to increase their own export ability, foreign governments have increased the nontariff barriers to free trade (1) by financing the development, production, and marketing of new commercial aircraft, with high export potential, (2) by directed procurement when the foreign government controls both the manufacturers and purchasing airlines, and (3) by demanding offsets prior to approval of aircraft purchases from the U.S.

Since potential export sales play a significant role in the determination whether or not to initiate a new commercial aircraft pro-

gram, U.S. manufacturers are being forced to accept such conditions. As a consequence, joint ventures with foreign firms are now being negotiated which should permit U.S. manufacturers to at least retain a meaningful share of the international commercial market. At the same time the industry continues to press for a free and equitable international trade environment and for the elimination of tariff and non-tariff trade barriers.

#### OBJECTIVES OF LEGISLATION

The Administration-sponsored Trade Reform Act of 1973, if passed, will establish the basis for U.S. trade policy and determine the position of the U.S. negotiators to GATT. The primary objectives of this legislation are to:

Negotiate for a more open and equitable world trading system.

Strengthen the U.S. ability to meet unfair competitive practices.

Manage our trade policy more effectively. Take advantage of new trade opportunities.

Deal effectively with rapid increases in imports that disrupt domestic markets and displace American workers. The aerospace industry endorses these objectives and has pledged its support of the legislation.

In Europe one of the most significant changes taking place is a newly structured aerospace industry through which companies and nations are entering into corporate ventures and mergers to pool their resources, thereby broadening their market base and reducing their risks. The governments of Western Europe are presently investing about \$4 billion in four major commercial aircraft programs aimed at a near-term \$30 billion market. These are the British-French Concorde SST, totally financed by the governments involved, and the A-300B Airbus, the Dassault Mercure 2 and the VFW614, which are receiving direct support of 85 percent, 66 percent and 80 percent respectively from the committed governments.

#### BROADENING MARKET BASE

Extension of this trend toward cooperation has been recommended recently by a committee studying the European aeronautical industry. Under this plan, mergers and consolidations would be effected, leading to the formation in Western Europe of a single prime aircraft engine enterprise and two prime airframe producers. Other firms in all participating nations will serve as contributing subcontractors and suppliers. Consolidations and cooperation of such a nature could serve to further broaden and solidify the European market base.

After many years of apparent disinterest in exporting Russian commercial aircraft to the non-communist world, the Soviet Union also is mounting a strong effort to penetrate the international market. The TU-144 supersonic transport is in production, substantially modified and improved over the prototype version. It is expected to go into operation on Aeroflot in 1974 as a mail and cargo carrier, with passenger service beginning in 1975 or 1976.

Pacing the USSR effort to open up western markets is the YAK-40, a short haul, 32-passenger aircraft, seen by the Russians as a replacement for the DC-3. Talks with U.S. manufacturers have been initiated to determine details of licensing or other arrangements. The Soviets have also revealed the details of the IL-86, a wide-bodied transport capable of seating 250-350 passengers and is expected to be in service in 1976. The USSR also provided details of another new transport, the YAK-42, a 100-120 passenger shortfield Tri-jet which is being designed to meet the Federal Aviation Administration's certification standards.

#### SEN. GOLDWATER'S WARNING

Senator Barry Goldwater, Personal Representative of President Nixon at the 30th Paris Air Show, stated in his report:

"... Mr. President, I think we in America have to wake up to the fact that the Europeans intend, not just to catch up, but to replace us as the world leader in aeronautics and everything associated with the field. Our industry must realize that it no longer dominates as it did before the ridiculous decision to stop the SST. I think we must also realize that growth and advances in the general fields of aeronautics, particularly in the medium of heavier aircraft, will have to be done with an eye on international cooperation and also with the possible, although not needed now, across the board support of the Federal government in the encouragement of constantly advancing technology."

The reason for these intensive foreign efforts to penetrate this market is obvious. Traffic forecasts project a six-fold increase in free-world revenue passenger miles between now and 1990, with air cargo shipments increasing at a comparable rate. These figures translate into a transport aircraft market potential on the order of \$160 billion during this period.

The magnitude of this potential market and the virtual monopoly the U.S. has enjoyed over the past 15 years constitute an obvious target for the nations seeking to increase their exports and at the same time to bolster their domestic economies through the expansion of their production base.

#### DEVELOPING FOR EXPORT

Of equal importance is the fact that potential export sales are absolutely essential to any company or nation if a new jet transport program is to become a financial success. With jet transport costs ranging from \$5 to \$24 million each it is apparent that just to recover the vast initial investment involved in a typical new aircraft program—before making any profit—about 300 or more aircraft must be sold.

Even in the two countries in which commercial transport aircraft demand is greatest—the United States and the Soviet Union—an efficient rate of production requires unit volume larger than the domestic market can absorb. Thus it is apparent that the new transport aircraft being developed abroad are oriented toward penetrating the U.S. market.

The major reason why U.S. manufacturers are not competing with newly designed models lies in the lack of adequate financial resources. In general, the industry has superior technology, the management and marketing skills, a highly-skilled labor force and a tradition of developing and producing reliable and productive transport aircraft as well as providing the necessary logistic support. Lacking are the financial resources that would be required. The costs through certification for five U.S. competitive programs are estimated at \$10 billion—several billion dollars more than the net worth of the entire aerospace industry.

Another significant source of aerospace exports is in the military assistance program for friendly foreign nations. During the 1968-1972 period, military aerospace exports totaled \$4.7 billion. During this same period government policy banned "sophisticated" U.S. aerospace exports (sophisticated defined as advanced combat aircraft) to a number of countries including Latin American nations.

As a consequence of this action, export sales of more than half a billion dollars were lost. Latin American countries, normally supplied by U.S. industry, turned to France, Great Britain and West Germany to satisfy their requirements. In this process the declared intent of the U.S. policy—to prevent the use of advanced combat aircraft in this area—was fully negated, and an important potential export market lost to the U.S.

#### NECESSITY FOR DOD FUNDING

Recently, Secretary of State William P. Rogers announced a change in this restric-

tive government policy to permit the export of certain types of advanced combat aircraft to selected Latin nations. Four countries, Argentina, Brazil, Colombia, and Venezuela—have become potential buyers of U.S. military aircraft. At the moment the aerospace industry's major concern is to preserve Defense Department (DOD) funding authority which provides direct financial guarantees to the private sector for military export sales. It is important that this authority and funding continue so that U.S. companies can remain competitive with foreign suppliers of defense products and services.

Presently, the Administration proposal to continue existing arrangements is facing a serious challenge in Congress which, in effect, would require private financing for all credit sales without DOD guarantees. In light of the increasingly tight money market, increasing interest rates, shortened maturities, and other unfavorable conditions in the private credit market, such financing appears to be impossible.

Thus, as viewed in 1973, the combination of competitive developments abroad and critical decisions at home place the international fate of U.S. aerospace at a crossroads. The course these events and decisions take will determine our ability to continue our high technology superiority.

#### INFLATION AND THE ECONOMY LISTED AS NO. 1 PROBLEM IN COUGHLIN POLL

#### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. COUGHLIN. Mr. Speaker, I am pleased to report to my colleagues the results of my annual mail poll of Pennsylvania's 13th Congressional District.

In this time of general concern over government and the people's interest in it, I can report that more individual responses were received to this questionnaire than any of the other previous polls. A total of 20,451 individual replies arrived in my district office before the July 31, 1973 deadline.

My congressional district consists of most of Montgomery County and Philadelphia's 21st ward. Much of it is urban and suburban, but there still remain sparsely-populated sections of rural character.

In analyzing the results, I find that the sentiments from all parts of the district basically are the same. The results, in fact, are similar to those announced by colleagues who conducted polls of their districts as well as nationwide surveys published by the news media.

The overriding concern of my constituents is inflation and the economy. They selected this issue as first in the list of seven specified major problems facing the Nation. While my mail indicates apprehension over Watergate, constituents rated this problem as last in the specified list.

Second among the major problems was taxes and Government spending. This was followed by: energy shortage, drug abuse and crime, environmental deterioration, urban poverty and housing, and, finally, Watergate crisis in confidence.

In another query on Watergate, 36 percent felt the episode was wrong but out of proportion to its actual impact.

Only 1 in 4 thought the scandal reprehensible with permanent harm to our Government.

I think it is of more than passing interest that 3 out of 4 persons responding to the poll want legislative restraints on the warmaking powers of the President. They responded "yes" to a question asking if they favor a law to prevent the President from committing U.S. troops to combat for more than 30 days without congressional approval.

At the same time, a plurality favored the Presidential power to withhold spending of funds appropriated by Congress in excess of his budget.

In a question on the state of economy, there was no majority for more governmental controls as contrasted to last year's questionnaire results. However, 7 out of 10 responding concluded that a major share of responsibility should be assessed to the Federal Government's agriculture policies and programs for high meat and food prices.

A ranking question showed most constituents rate foreign aid as last in spending priorities while public transportation drew the most support for additional funding.

On "yes-no" questions, a majority of constituents favored or approved of reducing military spending even when losses in jobs and economic benefits result to Philadelphia and suburbs through cutbacks or elimination of defense installations; the President's proposals to reduce certain social services' programs; lengthening the term of U.S. Representatives from 2 to 4 years; the Supreme Court decisions on abortion; permitting urban areas to elect to use their designated share of highway trust fund moneys for bus and public rail transit; protection for newsmen to keep their sources confidential, and retaining the death penalty for specific crimes.

The questionnaires were printed—not at Government expense—and sent to all households, apartments, and boxholders in the district. Answers were tabulated carefully under statistical procedures to guarantee that errors were kept at a minimum.

I am sending a copy of the results to the President, because I feel they are an unbiased and accurate indicator of what most Americans—not just my constituents—are thinking. I hope my colleagues will find the results as interesting and informative as I did.

The questionnaire results follows:

#### QUESTIONNAIRE RESULTS

1. Please rank the following 1, 2, 3, 4, 5, 6 and 7 in terms of major problems you feel the Nation faces:

Inflation and the economy	1
Taxes and government spending	2
Energy shortage	3
Drug abuse and crime	4
Environmental deterioration	5
Urban poverty and housing	6
Watergate crisis in confidence	7

2. The state of the American economy concerns citizens and officials alike.

A. Do you favor more governmental controls on all segments of the economy?

(In percent)

Yes	44
No	46
Undecided	10

B. How much responsibility do you assess

to the Federal Government's agriculture policies and programs for high meat and food prices?

(In percent)

A major share	70
A moderate share	23
Little or none	5
Other (specify)	2

3. Federal spending involves your tax dollars. Should we spend more, less or the same Federal tax effort as presently on the following?

(In percent)

Foreign aid—more, 1; less, 86; same, 13.
Environmental protection—more, 58; less, 9; same, 33.

Aid to the poor—more, 28; less, 26; same, 46.
Education—more, 46; less, 14; same, 40.

Defense—more, 9; less, 56; same, 35.
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Aid to the elderly—more, 56; less, 5; same, 39.
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Public transportation—more, 63; less, 10; same, 27.
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Health care—more, 52; less, 10; same, 38.
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4. At this stage of the investigation, which statement most closely expresses your feelings about the Watergate events?

(In percent)

Reprehensible with permanent harm to our government	25
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Damaging for now but can be rectified	33
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Wrong but out of proportion to its actual impact	36
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None of above (specify)	6
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5. Do you favor legislation to prevent the President from committing U.S. troops to combat for more than 30 days without Congressional approval?

(In percent)

Yes	74
No	20
Undecided	6

6. Do you approve of reductions in military spending when they cause loss of jobs and economic benefits to Philadelphia and suburbs through cutbacks or elimination of defense installations?

(In percent)

Yes	73
No	19
Undecided	8

7. Do you believe the President should be permitted to withhold spending of funds appropriated by the Congress in excess of his budget?

(In percent)

Yes	49
No	41
Undecided	10

8. Do you generally favor the President's budget proposals to reduce certain social services' programs?

(In percent)

Yes	53
No	38
Undecided	9

9. In order to reduce the frequency and cost of campaigning, should the present two-year term of U.S. Representatives be extended to four years?

(In percent)

Yes	59
No	32
Undecided	9

10. Do you approve of the Supreme Court decisions on abortion?

(In percent)

Yes	61
No	26
Undecided	13

11. Do you favor allowing urban areas to elect to use their designated share of Highway Trust Fund monies for bus and rail public transit?



## (In percent)

Yes	77
No	16
Undecided	7

12. In order to permit the news media to function effectively, do you feel it is necessary that reporters have the right to protect and keep confidential the sources of news stories?

## (In percent)

Yes	65
No	27
Undecided	8

13. Should the death penalty be retained for specific crimes?

## (In percent)

Yes	81
No	13
Undecided	6

## Party preference of those responding

## (In percent)

Republican	62
Democrat	21
Non-partisan	16
Other	1

## Ages of those responding

## (In percent)

18 to 21	1
21 to 35	25
35 to 50	28
50 to 65	30
65 and over	16

# GASOLINE SHORTAGE IN AMERICA: A NEED TO RETURN TO A FREE MARKET SYSTEM

## HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. KEMP. Mr. Speaker, the following paper is the second part of Steve Townsend's legal research paper entitled "The Gasoline Shortage in America: A Need To Return to a Free Market System":

## [PART 2]

## VI. REMEDIES FOR THE GASOLINE SHORTAGE

The attempt effectively to alleviate the problems of the current gasoline shortage and the impending energy crisis, has generated two schools of thought. On the one hand, the Federal Trade Commission (FTC) contends that the fuel shortage is partially due to collusion among several oil companies,<sup>97</sup> is "an industrial practice or pattern of operation which tends to be monopolistic."<sup>98</sup> They further contend that the market's inherent idiosyncrasies have produced the following results: 1) the combination of or agreement by oil majors to monopolize refining; 2) their maintenance of monopolizing power over refining; and 3) the maintenance of a non-competitive market structure in refining in the Eastern and Gulf coast states and in parts of the midcontinental area.<sup>99</sup> Thus, these interrelated companies are cooperating, rather than competing, with regard to "influencing legislation, bidding for crude leases, establishing the purchase price of crude oil, transporting crude oil, refining crude oil, and marketing gasoline,"<sup>100</sup> and therefore, constitute a constructive vertical monopoly. In addition, the commission contends that there are derivative effects:

1) price levels for goods and services rendered at each level of the petroleum industry are artificially controlled and maintained;

2) barriers have been created to the refining of oil;

3) actual and potential competition at all levels of the petroleum industry has been limited and weakened;

4) the supply and demand scheme has been distorted;

5) shortages have fallen most severely on those areas of the East and Gulf coasts where more independent marketers are located;

6) independent marketers have been forced to close retail outlets and significantly curtail retail operations because of their inability to obtain refined products;

7) majors have substantially higher profits and returns on investments than they would have obtained in a competitively structured market; and

8) American consumers have been found to pay substantially higher prices for petroleum and petroleum products than they would have to pay in a competitively structured market.<sup>101</sup>

On the other hand, free market advocates extend arguments and explanations which tend successfully to rebut those made by the FTC. They begin with the initial premise of a fuel crisis. The press, among others, has distorted the situation by accepting the postulate of a rising price structure and utilizing the trend line<sup>102</sup> for estimates of consumption, predicting a discrepancy of major proportions between supply and demand.<sup>103</sup> However, this presupposition is unwarranted because due to a multiplicity of economic variables such projections have never materialized.<sup>104</sup> The potential danger is a hasty reaction that will result in costly research and wasteful expenditure of energy resources.<sup>105</sup>

Also, the governmental controls have removed this market from its proper economic context. Traditionally, retailers in all fields rely on the surplus market intrinsically, by their mere presence in the market, accept the risk that this surpluse may at any time be exhausted; thus, forcing those on the periphery out of the market.<sup>106</sup> Apparently the reason for the public indignance is the image that the conglomerate has had in the past and currently portrays in eliminating small business; while the government response results from a fear of monopolization and a consequential disruption of the economy. Alleviation of this image will take time and increased efforts by the oil companies like the mass communication channels currently employed.

The possibility of collusion presents a more tangible problem which can be dealt with substantively. The FTC has argued that there is a constructive conspiracy to withhold gasoline and thereby drive independents out of the market.<sup>107</sup> However, during the oil and gas hearings held by the Department of the Interior independents generally concurred with oil majors who disavowed knowledge of possible collaboration.<sup>108</sup> Neither promulgation by the government, the voluntary guidelines nor the hearings for mandatory controls for the allocation of gasoline, are expected to be a direct response to the possibility of conspiracy, but resulting from the aforementioned factors (insufficient refineries, increased population, emission control devices, etc.).<sup>109</sup> Nonpartisan experts generally concurred with the oil majors<sup>110</sup> indicating that the fuel shortage is real and readily demonstrable by the factual circumstances.<sup>111</sup> That is, all companies have been forced to pursue alternate sources of energy which reduce their profits. Our inventory is now substantially depleted,<sup>112</sup> and consequently, we are importing crude oil to fill the void. Furthermore, it would not benefit the oil majors to force independents out of the market because the government would undoubtedly react through either anti-trust suits, which would demand a disbanding of the conglomerates, or mandatory controls which would result in absolute control of the market by the government.<sup>113</sup> Though it has received minimal attention, majors have also had to close their gas stations due to apportioning of fuel between themselves and independents.<sup>114</sup> It is self-evident that these integrated majors will service their own gas stations before they will agree to allocate

gasoline to independents, creating a constructive monopoly as a collateral effect.<sup>115</sup>

As the FTC argues that the petroleum industry is inherently discriminatory, economists contend that what might appear to be collusion among oil majors is caused by factors peculiar to the oil market. The petroleum industry reflects a market with concentration whose production can be calculated.<sup>116</sup> There is nothing cryptic about rates of production, nor is there anything unusual in the response of oil majors during a period of decreased production favoring their own stations over independents.<sup>117</sup> This situation results not from any collusion, but from idiosyncrasies of the market.<sup>118</sup>

Experts have also expressed concern regarding the avenues of rectifying the shortage problem. The consensus of the experts is that the gasoline shortage is a "fairly simple economic problem",<sup>119</sup> but in practice the solution is far more complex. Economists feel that the problem can be solved simply by removing the intervention of governmental guidelines and controls over gasoline prices and allocation.<sup>120</sup> If the controls were lifted with the demand presently high and the supply low the prices would rise, which would decrease the demand and enable the supply to rise to a satisfactory level.<sup>121</sup>

Although some economists feel that any form of controls is a perversion of the free market, they recognize that there are situations where controls could be beneficial.<sup>122</sup> Where controls are absolutely necessary, they should be implemented under the scrutiny of the government and removed after a maximum of two or three years, lest they remain ad infinitum and manifestly alter our economy or they are belatedly removed and constitute a mere postponement of the problem rather than a solution.<sup>123</sup>

Because the government has addressed itself to this dilemma through voluntary guidelines and a consideration of mandatory allocation, the probability of a laissez-faire return to a free market system is limited. The resolution of the problem becomes more complex and thereby a return to economic stability, less likely. Though our present short-term rate of increase of consumption is approximately 400 million gallons (which can be met without the closing of a substantial number of gasoline stations and inconveniencing the private vehicle owner) the longevity of this solution is dubious.<sup>124</sup> Currently, there are two practices which if deregulated would substantially increase efficient consumption of gasoline. First, for the duration of the fuel shortage, the Interstate Commerce Committee (ICC) could relax its commerce laws regarding common carriers, those with restricted certificates, and private carriers.<sup>125</sup> Presently, it prevents these trucks from interchanging cargo to accumulate a full cargo to and from their destinations.<sup>126</sup>

A moratorium on this commercial practice of "deadheading"<sup>127</sup> would prevent extravagant gasoline usage, as common carriers would save an estimated 80-90 million gallons per year, those with restricted certificates would save 30-40 million, and private carriers would save 120-30 million.<sup>128</sup> Common carriers should be encouraged to seek "full capacity shipping", while common carriers without unrestricted certificates and private carriers should be permitted to solicit their excesses.<sup>129</sup> Second, a more efficient practice could be initiated and followed for air traffic by the Federal Aviation Administration (FAA). Landing fees should be increased, facilitating the access of commercial airlines to prime landing time at centrally located airports.<sup>130</sup> The added expense would be less prohibitive for larger companies to absorb than for private plane owners.<sup>131</sup> Presently, runway "stacking" and air corridor circling waste vast amounts of fuel.<sup>132</sup> The reason for the delays during arrival and departure stems from scheduling and cost practices which discriminate against commercial airlines. With these airlines forced to use decentralized facilities,

passengers favor individual means of transportation (taxi, rental car, etc.) which consume more fuel than would flying directly into city airports.<sup>103</sup> These savings, as well as the other modes of fuel conservation discussed above are calculated to meet the rising demand until such time as the long-term sources may affect the shortage.

#### VI. CONCLUSION

Any precise directives concerning an area of the economy as vastly complex as the petroleum industry would be of questionable validity. A two-fold policy approach offers a better possibility for success. First, on the mass scale a free market system would be most advantageous to the economy and conservative of our energy sources. Secondly, on the individual level there are various practices that can be followed to increase gasoline mileage. In any event, the successful perpetuation of our economy depends on freedom from controls rather than artificial constraints by the government.

#### FOOTNOTES

<sup>97</sup> Interview with Patricia Hanahan, Liaison Officer of the Federal Trade Commission, in Washington, D.C., July 18, 1973.

<sup>98</sup> Interview with Ben Tafoya, Chief of the Emergency Advisory Committee to the Office of Oil and Gas of the Department of the Interior, in Washington, D.C., July 26, 1973.

<sup>99</sup> *Supra* note 97.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Trend line: is the projected growth rate

at which the demand for fuel will rise over a measured period of years.

<sup>103</sup> *Supra* note 12.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> Interview with McKie, *supra* note 13.

<sup>107</sup> *Supra* note 97.

<sup>108</sup> Crude Oil Hearings, *supra* note 9.

<sup>109</sup> *Supra* note 98.

<sup>110</sup> Crude Oil Hearings, *supra* note 9.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> Interview with McKie, *supra* note 13.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> Interview with Johnson, *supra* note 12.

<sup>121</sup> *Id.*

<sup>122</sup> Interview with Johnson, *supra* note 12;

Interview with Brozen, *supra* note 13.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> Deadheading: truckers' practice of traveling from their destination without a full cargo.

<sup>128</sup> *Supra* note 122.

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

## INTERIOR APPROPRIATIONS CONFERENCE

### HON. GUNN MCKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1973

Mr. MCKAY. Mr. Speaker, under the able chairmanship of the Honorable JULIA HANSEN, the Conference Committee on H.R. 8917—the appropriation for the Interior and related agencies—came forth with a report which shows foresight and commonsense. By realistically evaluating competing interests, including the need to contain expenditure levels, the report recommended funding consistent with necessary priorities. For example, the committee took a realistic and long-range look at the need for coal research and reforestation programs. The committee emphasized vital Indian education programs. I extend my appreciation to the chairman and the rest of the conferees for a diligent and commendable job.

## SENATE—Friday, September 21, 1973

The Senate met at 9 a.m. and was called to order by Hon. PETE V. DOMENICI, a Senator from the State of New Mexico.

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art more ready to hear than we to pray, who knows our needs before we ask, and our longings before we speak, hear our prayer, answer us according to our needs, and give us the peace which the world cannot take away. Thou hast promised that where 2 or 3 or 10,000 are gathered in Thy name Thou wilt be in the midst of them. So be with us now and with all who enter and depart from this Chamber. Be with all who labor in the service of the Government beyond these doors that the highest and best may be achieved for the Nation and for all mankind.

We ask it in the name of Him who is Lord of creation and of life. Amen.

#### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., September 21, 1973.  
To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PETE V. DOMENICI, a Senator from the State of New Mexico, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

Mr. DOMENICI thereupon took the chair as Acting President pro tempore.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 20, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 374, 375, and 376.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ENLARGEMENT OF CLASS OF PERSONS TO RECEIVE BENEFITS UNDER MICRONESIAN CLAIMS ACT OF 1971

The Senate proceeded to consider the bill (H.R. 6628) to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the

claims program established by that act, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 2, line 5, after the figure "18," strike out "1974;" and insert "1947;"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-400), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE OF BILL

The purpose of H.R. 6628 is to enlarge the class of persons eligible to receive benefits under the Micronesian Claims Act of 1971 (Public Law 92-39) by including not only citizens of the Trust Territory but also certain citizens of the United States and would permit the Secretary of the Interior to make some payments prior to the adjudication of all claims and their certification by the Foreign Claims Settlement Commission of the United States. This change in the existing law is to benefit Micronesians who have left Micronesia and taken up permanent residency in Guam, Hawaii, or elsewhere, and have become United States citizens.

The provision providing for payment of adjudicated claims prior to final completion of certification of all claims by the Commission is designed to prevent the delay of any claims for another three or four years until all claims are adjudicated (excepting \$1,000 initial payments on death claims), and to avoid the inflationary effect within Micronesia which would likely occur if all claims payments were to be made at one time. Micronesia's economy cannot easily absorb an unstructured input of \$25 to \$30 million in a short period.

#### BACKGROUND

Congress enacted the Micronesian Claims Act of 1971 to compensate the people of the Trust Territory of the Pacific Islands for damages incurred during the hostilities of